United Nations S/PV.7016

Security Council

Sixty-eighth year

Provisional

7016th meeting
Wednesday, 14 August 2013, 10 a.m.
New York

President:	Mrs. Perceval	(Argentina)
Members:	Australia	Ms. King
	Azerbaijan	Mr. Musayev
	China	Mr. Wang Min
	France	Mr. Lamek
	Guatemala	Mr. Rosenthal
	Luxembourg	Ms. Lucas
	Morocco	Mr. Loulichki
	Pakistan	Mr. Ahmad
	Republic of Korea	Mr. Kim Sook
	Russian Federation	Mr. Iliichev
	Rwanda	Mr. Gasana
	Togo	Mr. M'Beou
	United Kingdom of Great Britain and Northern Ireland	Mr. Parham
	United States of America	Ms. Power

Agenda

Peace consolidation in West Africa

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room U-506.

13-42691 (E)

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The meeting was called to order at 10.10 a.m.

Adoption of the agenda

The agenda was adopted.

Peace consolidation in West Africa

The President (*spoke in Spanish*): The Security Council will now begin its consideration of the item on its agenda.

Members of the Council have before them the text of a draft presidential statement on the subject of this meeting. I am grateful to the members of Council for their valuable contributions to the draft presidential statement.

In accordance with the understanding reached among the members of the Security Council, I shall take it that members agree to the presidential statement, which will be published as a document of the Council under the symbol S/PRST/2013/13.

It is so decided.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 10.15 a.m.

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Agenda

The situation in the Central African Republic

Report of the Secretary-General on the situation in the Central African Republic (S/2013/470)

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13-42697 (E)

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The meeting was called to order at 10.15 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in the Central African Republic

Report of the Secretary-General on the situation in the Central African Republic (S/2013/470)

The President (*spoke in Spanish*): Under rule 37 of the Council's provisional rules of procedure, I invite the representative of the Central African Republic to participate in this meeting.

Under rule 39 of the Council's provisional rules of procedure, I invite the following briefers to participate in this meeting: Mr. Babacar Gaye, Special Representative of the Secretary-General and Head of the United Nations Integrated Peacebuilding Office in the Central African Republic; Ms. Valerie Amos, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator; and Mr. Ivan Šimonović, Assistant Secretary-General for Human Rights.

The Security Council will now begin its consideration of the item on its agenda.

I wish to draw the attention of Council members to document S/2013/470, which contains the report of the Secretary-General on the situation in the Central African Republic.

I now give the floor to Mr. Gaye.

Mr. Gaye (*spoke in French*): It is a privilege to address the Security Council. Doing so as the Special Representative of the Secretary-General is an honour accorded to me for the first time, and I take this opportunity to express my deep respect to the Council.

I am pleased to present to the Council the report of the Secretary-General on the situation in the Central African Republic (S/2013/470) and on the activities of the United Nations Integrated Peacebuilding Office in the Central African Republic (BINUCA), in the presence of Under-Secretary-General Valerie Amos and Assistant Secretary-General Ivan Šimonović, both of whom visited the Central African Republic in July and will discuss the humanitarian and human rights situations.

(*spoke in English*)

Since the publication of the report, the overall situation in the Central African Republic has remained highly volatile and unpredictable, although there has been some progress on the political front. Following the promulgation of the Transitional Charter, on 18 July, and in accordance with its article 25, the Government of National Unity appointed on 13 June was reshuffled on 2 August. While its composition remains almost the same, Mr. Michel Djotodia is no longer Minister of Defence; a new Junior Minister in charge of defence, restructuring of the army, former combatants and victims of war was appointed instead.

The portfolio of water and forests held by former Senior Minister Moussa Dhaffane has been filled. The representation of women remains low, with only three women out of 34 members of the Cabinet, although they hold key ministries such as foreign affairs and rural development; the Minister who holds the latter is also State Minister.

Similarly, the National Transitional Council, which was expanded from 105 to 135 members in July, appointed a new Bureau on 8 August. While the re-election was requested by the Economic Community of Central African States (ECCAS) to ensure greater diversity and representation, the Bureau remains almost intact, with only one of the Rapporteurs losing his seat.

Meanwhile, the members of the Transitional Constitutional Court will be sworn in on 16 August. They will administer the oath of office to Mr. Djotodia, as the head of State of the transition, on 18 August. According to the Transitional Charter, the ceremony will officially launch the transition, which should last from 18 to 24 months. Thus most of the transitional institutions and mechanisms have been established in accordance with the decision made by ECCAS.

That progress was made possible thanks to the direct involvement of ECCAS leaders and the Mediator they appointed for the Central African Republic, President Denis Sassou Nguesso of the Republic of the Congo. However, tensions persist between Mr. Djotodia, Prime Minister Tiangaye and the President of the National Transitional Council over the management of the transition process. Their relations are characterized by mutual suspicion and mistrust. Therefore, the political gains made remain fragile, while the road map for elections remains to be established.

While there is still a total absence of the rule of law nationwide, the security situation has improved slightly in Bangui following the arrest of General Mohamed Moussa Dhaffane, a former prominent military leader of one of Séléka's factions and Senior Minister for Water and Forests. Nine sites for the cantonment or regroupment of Séléka have been established in five localities, and four sites for the cantonment and regroupment of former elements of the Forces armées centrafricaines, the former army, were also established.

Joint patrols by Séléka and the Mission for the Consolidation of Peace in the Central African Republic (MICOPAX), the subregional peacekeeping force, have resumed in the capital. However, the looting of people's property, plundering, kidnapping, torture and killings continue. For example, a so-called Ramadan tax was paid by local people in the provinces. On 9 August, armed men suspected of being Séléka elements robbed a local supermarket in broad daylight and kidnapped the owners. In addition, human rights violations have become widespread, further compounded the breakdown of law and order, particularly in the provinces, where Séléka elements continue to prey on the civilian population.

We must ensure that there is no impunity for perpetrators of gross human rights violations. Meanwhile, the humanitarian situation has reached unprecedented levels; 4.6 million people are affected by the dire humanitarian crisis, which has moved from a protracted humanitarian crisis towards a complex emergency. Assistant Secretary-General Šimonović and Under-Secretary-General Amos will present the Council with a detailed picture of the grave human rights and humanitarian situation, respectively.

As there is no proper chain of command, the country runs the risk of descending into anarchy and chaos. Some police officers are reporting to work, but they are not equipped to work safely and effectively. Furthermore, they do not trust but fear their Séléka counterparts.

The reorganization of the security and defence forces is yet to be supported by a clear, credible and structured plan. In that regard, the police and the gendarmerie were instructed to absorb 500 Séléka elements each, including suspected foreign elements, without prior screening to determine their suitability. The intended integration of an additional 1,000 Séléka elements into the newly established Armée de la République centrafricaine is not based on any set of objective criteria either.

The integration process in the police faces the challenge of the lack of proper facilities, as the Training School of the National Police is still occupied by a MICOPAX contingent. Many elements of the Forces armées centrafricaines have reported for duty at four different sites in Bangui, although some have also sought refuge in neighbouring countries, including the Congo, the Democratic Republic of the Congo and Cameroon, with their weapons. Diplomatic efforts are under way for their voluntary repatriation. Discussions were ongoing between the Séléka leadership and the rebel group Force démocratique du peuple centrafricain, led by Abdoulaye Miskine.

Meanwhile, the Lord's Resistance Army (LRA) has continued to thrive in the turmoil caused by the political events of March 2013. Since May 2013, BINUCA has been receiving reports on the presence of LRA elements in the prefecture of Haute-Kotto, where the diamond sites are located.

On 19 July, the African Union (AU) Peace and Security Council authorized the deployment, for an initial period of six months, of an African-led peace support operation, the International Support Mission in the Central African Republic, effective 1 August 2013. The new mission will have a total strength of 3,652 civilian and military personnel, composed mainly of the contingents currently serving in MICOPAX. The mission is mandated to protect civilians and restore security and public order; restore State authority; reform and restructure the defence and security sectors; and create the conditions conducive for the provision of humanitarian assistance to populations in need.

The mission has a robust mandate and will have an important role in stabilizing the security situation. The African Union is dispatching a technical assessment mission to Bangui from 17 August to refine the concept of operations for the mission and to develop a realistic logistical support plan for the mission. The United Nations will participate in that technical assessment mission in an advisory capacity. In parallel, the AU is also deploying a joint transition planning team to Libreville to develop, jointly with ECCAS, the modalities for the transition from MICOPAX II to the African-led International Support Mission in the Central African Republic.

We welcome the establishment of the African Union mission and encourage the Security Council to lend its full support to the force. We hope that the forthcoming deployment of the impartial force that is the new mission will provide the leverage needed to end the anarchy and the chaos in Bangui and in the provinces.

On the political front, Mr. Djotodia, the Prime Minister, and the President of the National Transitional Council must work together to urgently bridge their differences, which, if unaddressed, could jeopardize the progress made thus far and seriously aggravate the crisis in the country. Moving forward, there will be a need to agree on a road map and a chronogram to end the transition period and hold elections. There will also be a need to tackle the question of impunity and ensure proper assistance to populations in need.

(*spoke in French*)

The Central African Republic is facing tremendous challenges, but I am convinced that with the continuing and active support of the international community, along with political will on the part of stakeholders, together we can overcome those difficulties. During my discussions with national stakeholders and with leaders in the subregion, I took every opportunity to draw their attention to the imperative need to resolve the security problem, which remains by far the most urgent priority. Without a doubt, much remains to be done elsewhere, but resolving problems relating to security and the rule of law will have a positive and immediate effect on the political, humanitarian and human rights challenges that we are facing. In short, it is time to act.

The President (*spoke in Spanish*): I thank Mr. Gaye for his briefing.

I now give the floor to Ms. Amos.

Ms. Amos: I thank you, Madam, for the opportunity to brief the Council on the humanitarian situation in the Central African Republic following my recent visit to the country with Ms. Kristalina Georgieva, the European Commissioner for International Cooperation, Humanitarian Aid and Crisis Response.

The political and security situation in the Central African Republic, as the Special Representative of the Secretary-General, Mr. Gaye, has already said, remains volatile and unstable. The new Government of National Unity is fragile and faces considerable challenges, including divisions within Séléka; the proliferation of weapons in Bangui and beyond; disarmament, demobilization and reintegration efforts; and the absence of State administration outside of Bangui.

Over the past months, the humanitarian situation has deteriorated dramatically and has shifted from being a long-term crisis of poverty and chronic vulnerability to a complex emergency characterised by violence, acute needs and grave protection issues. If inadequately addressed, the crisis threatens to spread beyond the Central African Republic's borders and to further destabilize a region already facing significant challenges.

As Special Representative Gaye has already said, all 4.6 million Central Africans have been affected by the crisis. Half of them are children. Some 1.6 million people are in dire need of assistance, including food, protection, health care, water, sanitation and shelter. Humanitarian needs are increasing by the day. More than 206,000 people have been internally displaced and nearly 60,000 have sought refuge in neighbouring countries — two-thirds in the Democratic Republic of Congo. Many people continue to hide in the bush and remote areas in poor sanitary conditions and without access to basic services or clean water. More than 650,000 children are not able to go to school due to the closure and occupation of schools by armed groups. Some 484,000 people are now severely food insecure, and thousands of boys and girls are acutely malnourished.

During our visit, we heard reports of armed attacks against civilians, illegal detention, torture and abductions, and according to UNICEF, 3,500 children have been recruited into the armed forces and groups during the conflict. I am also extremely concerned about reports of widespread sexual violence, with women and children again paying a heavy price.

The already fragile health-care system is overwhelmed. Many public service officials have left their posts and health care is now being provided almost entirely by non-governmental organizations (NGOs). Basic drugs and hygiene products cannot be purchased locally due to the breakdown of the supply chain. The risk of disease outbreaks is very high, and international NGOs already report a spike in malaria. The replacement of goods in hospitals, such as generators, and supporting the supply, for example, of fuel will be challenging, and the risk of further looting remains high. During a field visit to a hospital in Kaga Bandoro, I saw the daily struggle doctors and

nurses face to provide for the most basic health needs of people. The hospital, with just 60 beds, serves as many as 130,000 people throughout the province. Most of the mattresses had been looted and there is no electricity.

The deterioration in the security situation since December 2012 is of great concern and needs to be addressed. I visited United Nations premises that had been looted and some United Nations premises remain occupied by Séléka elements. Persistent insecurity and the degradation of infrastructure have posed serious challenges to the humanitarian response. Despite that, we have reached nearly 160,000 people with food assistance and nutrition programmes; 590,000 have benefited from water and sanitation programmes; and 200,000 have received health support. But this is tiny in comparison with widespread needs throughout the country.

NGOs have played and continue to play a significant role. Many remained present in the areas worst affected by fighting, and I thank them for their ongoing work. Staff from the United Nations are in the process of deploying beyond the capital. Redeployment to Paoua, Bouar, Kaga Bandoro and Bambari began on 10 August. Human rights and protection monitoring will also be increased. The establishment of a United Nations presence in new areas will provide assistance and much-needed protection.

The authorities in the Central African Republic have shown a genuine willingness to cooperate with humanitarian actors to address the challenges we face. During our visit, the authorities reiterated their commitment to facilitating the humanitarian response, including guaranteeing the security of humanitarian workers. Encouragingly, officials identified the restoration of security and disarmament, demobilization and reintegration as their main priorities. However, as already stated by Special Representative of the Secretary-General Gaye, they face a considerable challenge given the numbers of the Séléka forces, the lack of command and control over them, and the presence of fighters from other countries.

Humanitarian assistance cannot be the long-term solution to the complex challenges facing the Central African Republic. A comprehensive response, prioritizing the restoration of security and addressing humanitarian, recovery and development needs, is urgently needed. The authorities must do more to protect civilians and respect human rights. That includes releasing and reintegrating children associated with armed groups. Those children are the next generation of Central Africans, and we must ensure they have the opportunity to contribute to a peaceful future.

I have a number of requests to make to the Council. First, in order to support the restoration of security and stability in the Central African Republic, I ask the Council to treat the request for support by the African Union (AU) for its newly established peacekeeping mission, the African-led International Support Mission in the Central African Republic, with urgency. It is critical for the continued safety of humanitarian operations that the AU Mission have the funds and logistical support to operate effectively.

Secondly, I ask the Council to again remind all parties to the conflict of their responsibilities under international humanitarian and human rights law, and to ensure that all those responsible for violations are held to account.

Thirdly, I ask Council members to use any influence they have on the authorities to facilitate dialogue towards political reconciliation.

Fourthly, we need to increase funding. Only 32 per cent of the $195 million required has been raised to date. While the European Union (EU) announced an additional contribution during our visit, bringing its emergency relief to €20 million this year — and it is the highest donor — much more international support is required to meet growing needs. Critical sectors, such as water, sanitation and hygiene, have received less than 10 per cent of the funding required.

Finally, I ask the Council to support the authorities in expediting the swift return of public service officials to areas outside Bangui to facilitate the restoration of much needed basic services. We need to make the longer-term investments required to put the country on the path back to recovery and self-reliance.

The Central African Republic is not yet a failed State, but has the potential to become one if swift action is not taken. Despite the significant challenges, there is an opportunity for the international community, working with the authorities, to make a significant contribution to the political, economic and social development of the Central African Republic. A failure to act now could not only prolong and exacerbate the appalling conditions the people of the Central African Republic have had to endure, but could also see the crisis spread beyond its borders and throughout a region already facing enormous challenges.

The President (*spoke in Spanish*): I thank Ms. Amos for her briefing.

I now give the floor to Mr. Šimonović.

Mr. Šimonović: I thank you, Madam, for the opportunity to brief the Council. I visited the Central African Republic from 28 July to 2 August to discuss human rights challenges with the transitional authorities and identify ways to address them. My mission followed a fact-finding mission sent by the United Nations High Commissioner for Human Rights to Central Africa from 19 June to 11 July to gather information on human rights violations committed from December 2012 onwards, in order to report to the Human Rights Council in September. During my mission, I met with the Prime Minister of the transitional Government and key ministers, as well as victims, civil society organizations, religious leaders, the diplomatic community and United Nations colleagues.

The Central African Republic has been plagued by decades of fighting and instability. The Bozizé regime's corruption and its neglect of and discrimination against the north of the country, which has a large Muslim population, are among the numerous factors that contributed to the rebellion. Many of the country's problems, such as the weak justice system and poor access to health and education, are not new. However, the conflict was marked by an unprecedented level of violence, looting and destruction.

From December 2012 to March 2013, both Séléka and the former Government's forces committed serious violations of international human rights and humanitarian law, although the majority of the human rights violations and abuses were committed by Séléka elements. Following the seizure of power by Séléka on 24 March, human rights violations committed by Séléka have continued until today.

The abuses committed include extrajudicial killings, summary executions, forced disappearances, hostage-taking, arbitrary arrest and detention, torture, sexual and gender-based violence, grave violations against children — including killing, sexual violence, the recruitment of child soldiers, and the use of children as human shields — and the destruction and looting of private and public property, including hospitals, schools, administrative buildings and United Nations and other international premises. Retaliation measures against civil society activists and journalists who are critical of the transitional authorities have also been reported.

While widespread attacks and looting of Christian places of worship by Séléka elements have been reported, there have been a number of initiatives to contain religious tensions, including the establishment of a platform for dialogue between Catholic, Protestant and Muslim religious leaders. When meeting with the Archbishop and the head of the Islamic community, I was encouraged to see that they closely collaborate to prevent confrontations and violence between religious groups. It is important to strengthen this collaboration in order to prevent a dangerous deepening of the religious divide.

Some communities have violently opposed Séléka elements trying to arrest alleged suspects. This has in turn been met by ruthless retaliation by Séléka elements, including killings and the burning of entire villages.

Another disturbing element is the systematic and widespread destruction of public registries, from birth certificates to court and prison records. This is fuelling suspicions of an attempt by the Séléka coalition to modify the ethnic and religious balance, given the porous borders of the country. The lack of public records to establish voter lists poses an additional challenge to organizing free and fair elections in the next 18 to 24 months — an issue about which Special Representative of the Secretary-General Gaye has already spoken.

Currently, while security in Bangui has improved, in the rest of the country the State is almost non-existent. There is no security or rule of law, and no police, prosecutors or judges, but unpaid Séléka forces are everywhere, often sustaining themselves through extortion or looting. Most hospitals and schools are not functioning and have been looted. The Bambari court of justice, which I visited, is an empty building with no tables. Its doors and windows are broken, and remnants of official records and documents are scattered about the floor.

Fear is pervasive everywhere. Victims, witnesses and civil society organizations spoke to me about their fear of being killed, physically or sexually assaulted, or looted. They spoke of their fear of speaking out, going to the fields or going home after dusk. Some do not even dare to go home at all, but remain hidden in the bush. In some areas, less than 20 per cent of seeds have been planted, and severe food shortages can be expected starting in early 2014.

Accurate data on violations is difficult to gather due to a lack of access to areas outside Bangui for security reasons, and to the much-too-limited human rights monitoring capacity of the United Nations Integrated Peacebuilding Office in the Central African Republic (BINUCA). There is an urgent need to have credible and reliable information on human rights violations in order to respond effectively. To strengthen national monitoring and reporting, it is essential to urgently establish a national commission for human rights and fundamental freedoms.

In May 2013, the transitional authorities established the national Mixed Commission of Inquiry to investigate human rights violations and crimes committed since 2004. However, it does not meet international standards, lacks independence and impartiality, and does not have the mandate or capacity to address impunity appropriately. Civil society is therefore calling for an international commission of inquiry.

If security does not improve, teachers and doctors who have taken refuge in the capital will not return to schools and clinics countrywide, more than 650,000 children will lose another year of schooling, and another crop will be lost. Rapidly spreading diseases, including malaria and malnutrition, may kill more than the conflict itself.

Let me conclude by proposing six recommendations to the Council and the international community.

First, a key priority is to swiftly provide security and protect the population from further human rights violations. The problem is that Séléka forces distrust the former police and gendarmerie, while the population mistrusts the Séléka forces. It is therefore urgent to establish a credible and legitimate national security force composed of a limited number of former regime security elements and Séléka forces. They have to be screened and vetted under international guidance to exclude perpetrators of human rights violations, and they must be properly trained. The remaining Séléka forces should be disarmed, and foreign fighters, especially those from Chad and the Sudan, must be repatriated. The promotion and protection of human rights should be mainstreamed at all stages of this security sector reform and disarmament, demobilization and reintegration process. However, it will take time.

Secondly, the deployment of a large international force with a strong protection mandate is therefore necessary to immediately provide security, protect the population throughout the country, restore the rule of law and create favourable conditions for free and fair elections within 18 to 24 months, as envisaged under the Libreville Agreements. The presence of 1,400 uniformed personnel of the International Support Mission in the Central African Republic, with a maximum strength of 3,500 uniformed personnel authorized by the African Union, is a step in the right direction, but a much larger and nationally more diversified force is needed to provide security and protect the population throughout the country. Such a force would also prevent foreign rebel groups, such as the Lord's Resistance Army or Islamist extremist groups, from finding a safe haven in the country.

Thirdly, it is urgent to also reinforce the human rights component of BINUCA. In its current state, the human rights component does not have sufficient capacity to monitor, verify or report on human rights violations throughout the country. Strengthening the component will allow BINUCA to provide the needed support to both security sector reform and disarmament, demobilization and reintegration processes and to the national institutions mandated to protect human rights, fight impunity and promote reconciliation.

Fourthly, in order to overcome the humanitarian crisis that Under-Secretary-General Amos described, urgent international aid is needed. Major donors have suspended development aid because of the coup and the provisional character of the Government. However, they should now invest the same amount of money in humanitarian aid and community protection programmes in such areas as strengthening civil society, human rights monitoring, rebuilding schools and hospitals and reconstructing archives and registers.

Fifthly, our Office has documented numerous human rights violations committed since December 2012. In order to prevent further abuses from being committed, these and other violations must be investigated through independent national or international mechanisms and the perpetrators held to account. In her statement last week, the ICC Prosecutor publicly expressed her readiness to investigate and prosecute those responsible for the commission of serious crimes, if necessary. The Council should send a clear message to the military commanders and the transition authorities that under international law they are criminally responsible for preventing crimes and punishing perpetrators.

Finally, ahead of the elections, there is a need for national consensus that the future Government will be inclusive, that the development of all regions will be even, and that nobody will be discriminated against on the basis of ethnicity, religion or political affiliation. That can prevent pre-electoral, electoral and post-electoral violence. The international community should encourage that to contribute to sustainable peace and security.

The President (*spoke in Spanish*): I thank Mr. Šimonović for his briefing.

I now give the floor to the representative of the Central African Republic.

Mr. Doubane (Central African Republic) (*spoke in French*): As a regular visitor to the Security Council over the past two years, and as my tenure as Permanent Representative of the Central African Republic to the United Nations is coming to an end, I would like to thank each and every member for their unwavering support, care and understanding to me and my colleagues. Members have been friends to me and to my battered country, which is struggling to heal its wounds and once again take its place within the community of nations.

Allow me to take this opportunity to congratulate you, Madam President, on your assumption of the Council presidency for the month of August, as well as to assure you of the full support of my delegation as you steer the Council. We also welcome the new Permanent Representative of the United States of America, Ms. Samantha Power, and wish her every success. We would also like to pay tribute to the United States of America for its presidency in July and thank it for nominating Mr. David Brown as United Nations Special Adviser on the Central African Republic. We also thank Secretary-General Ban Ki-moon for his commitment to my country.

With respect to Mr. Babacar Gaye, Special Representative of the Secretary-General for the Central African Republic, his team and the United Nations agencies on the ground assisting my people, I should like to thank all of them and call upon them to continue their efforts despite the numerous obstacles to peace, stability and development of the Central African Republic.

Finally, I would like to thank Ms. Margaret Vogt, who, during her term and despite the various difficulties, has spared no effort in carrying out her mission as best she could. I would also like to thank my friend Ambassador Jan Grauls who, as Chair of the Central African Republic configuration of the Peacebuilding Commission, has done much for my country.

Allow me to begin by thanking the Secretary-General for the briefing on the situation in the Central African Republic, which has provided us with information on the tragedy experienced by the Central African people. I take the floor today on behalf of my suffering people, which has daily been subject to killings, sexual attacks and inhuman and degrading treatment of all sorts.

Yesterday, on 13 August, the Central African Republic marked the fifty-third anniversary of regaining its sovereignty, but also 53 years that have seen the progressive erosion of the State. On 24 March, the final blow was delivered to what remained of an already fragile State. All institutions of power disappeared. Today, the Central African Republic no longer has an army, courts outside of Bangui, national archives or civil records. The Government is no longer able to pay its officials, nor can it keep hospitals stocked with medication. The country has been delivered as a war trophy to those who have passed themselves off as administrators, tax collectors or local commanders.

There is a dramatic situation within the country, where four-fifths of the people live. The situation in the Central African Republic is very similar to that in a brotherly country where the crisis is being resolved, that is, the people are being held hostage and the social fabric being torn by foreign traditions being imposed from the outside. In addition, the Lord's Resistance Army (LRA) continues to be a scourge to be eradicated. We are pleased with the intention of all stakeholders on that track and we would like to thank them for their commitment to continue the fight against the LRA, to put an end to its rebellion. Let us remain vigilant until the chaotic situation has been resolved and justice is served for all victims.

Today, we are pleased with the different meetings and summits in Libreville, N'Djamena, Brazzaville and Addis Ababa on the fate of the country. However, my people continue to live in distress and look to the Council at this time. My people await peace and security so they can return home to their country, to emerge from the bush and go home to their villages and send their children to school. My people no longer wish to fear for the future of their children and today hope justice will be served because crimes have been

perpetrated. Justice should be served for the women and children who have been victims of sexual attacks, for houses burned and property looted and carted off. The Central African people await the Council's help in order to rebuild their country and finally leave behind coups d'état and rebellions, to freely elect their leaders, and build political and economic institutions in an inclusive manner. The Central African people would like to take their destiny in their own hands and live in a stable state of peace and enjoy good relations with their neighbours.

As duly noted by the Secretary-General in his report (S/2013/470), the Central African State has totally collapsed — and I am very sad to say that after 53 years of independence. The international community must recognize all the consequences and shoulder its responsibilities. I would therefore like to commend the activities undertaken by all friendly countries, namely, all of the countries that are represented around the table here today, and all of our friends in the contact group — the Economic Community of Central African States, the Mission for the Consolidation of Peace in the Central African Republic, the African Union, the European Union, the United Nations and the International Organization of la Francophonie — all of whom have somewhat alleviated the suffering of the people in Bangui and, recently, throughout the rest of the country. I would also like to welcome the work of non-governmental organizations, which, in spite of insufficient security, have been providing help to those in need.

The seriousness of the situation in the Central African Republic requires greater mobilization and the involvement of the entire international community. Specifically, the Central African people expect the international community to facilitate the swift deployment of the forces of the African-led International Support Mission in the Central African Republic, with a clear mandate and significant resources from the Security Council, so as to bring peace to the country as a whole. We also urge that the mandate of the force be broadened to the rebuilding of new defence and security forces that are genuinely owned by the Central African Republic and able to take up the task. The Central African people expect the Security Council to adopt sanctions targeting the perpetrators of the serious violations of human rights described and condemned in the briefing by the Assistant Secretary-General. The Central African people request the United Nations to work in concert with other bilateral and multilateral partners to head the necessary economic and social reconstruction of the country.

In order to render them adequate to this task, the human and financial resources of the United Nations Integrated Peacebuilding Office in the Central African Republic must be strengthened. The human and financial resources of the relevant United Nations agencies should also be strengthened. And, finally, we hope that the Security Council will appoint, or at least consider appointing, a penholder for the Central African Republic, because we do not wish this crisis to continue to be a forgotten one.

Today, here and now, I ask that the Council give hope back to the people of the Central African Republic. I ask this on behalf of the young, defenceless girl, brutally raped in Ouandago; of the mother who gave birth to a child under inhuman conditions in the hospital of Kanga-Bandoro, as Under-Secretary-General Amos just described; of the widow whose husband was murdered in cold blood in Galafondo because he protested when his meagre possessions were looted; of the families in Batangafo and Bangui expelled from their houses so they could be occupied by warlords; of the young student in Bangui, dragged from a classroom and gratuitously killed; of the young travellers who, because T-shirts with political slogans were found in their suitcases, were arrested, tied up, tortured, murdered and their bodies thrown into a river; of the defenceless peasants in Markounda and Kabo whose cattle were seized on their way to their plantations, which were then destroyed by farmers from elsewhere protected by armed men; and of the boy whose school in Ndélé was closed and who was forced to become a child soldier.

Considering our leadership's inability to meet the aspirations of our bewildered, helpless people, I ask that the Council help us bring a new Central African Republic into the world, to rebuild a State in the heart of Africa, a modern State, based on peace, security and stability; one where, simply, it is good to live.

The President (*spoke in Spanish*): There are no more names inscribed on the list of speakers. I now invite Council members to informal consultations to continue our discussion on the subject.

The meeting rose at 11 a.m.

United Nations S/PV.7018

Security Council

Distr.: General
14 August 2013

Original: English

Official communiqué of the 7018th (closed) meeting of the Security Council

Held in private at Headquarters, New York, on Wednesday, 14 August 2013, at 3 p.m.

In accordance with rule 55 of the provisional rules of procedure of the Security Council, the following communiqué was issued through the Secretary-General in place of a verbatim record:

"On 14 August 2013, the Security Council, pursuant to annex II, sections A and B of resolution 1353 (2001), held its 7018th meeting in private with the troop- and police-contributing countries to the United Nations Interim Force in Lebanon.

"The Security Council and the troop- and police-contributing countries heard a briefing under rule 39 of its provisional rules of procedure by Ms. Susan Allee, Integrated Operational Team Leader, Department of Peacekeeping Operations.

"Members of the Council, Ms. Allee and representatives of participating contributing countries had an exchange of views."

13-42815 (E) 150813

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United Nations S/PV.7019

Security Council

Sixty-eighth year

Provisional

7019th meeting
Monday, 19 August 2013, 10.45 a.m.
New York

President:	Ms. Ruiz Cerutti	(Argentina)
Members:	Australia	Mr. Quinlan
	Azerbaijan	Mr. Musayev
	China	Mr. Wang Min
	France	Mr. Lamek
	Guatemala	Mr. Rosenthal
	Luxembourg	Mr. Maes
	Morocco	Mr. Loulichki
	Pakistan	Mr. Masood Khan
	Republic of Korea	Mr. Kim Sook
	Russian Federation	Mr. Pankin
	Rwanda	Mr. Manzi
	Togo	Mr. Menan
	United Kingdom of Great Britain and Northern Ireland	Mr. Parham
	United States of America	Mrs. DiCarlo

Agenda

Protection of civilians in armed conflict

Letter dated 1 August 2013 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General (S/2013/447)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room U-506.

13-43092 (E)

Accessible document

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The meeting was called to order at 11.10 a.m.

Adoption of the agenda

The agenda was adopted.

Protection of civilians in armed conflict

Letter dated 1 August 2013 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General (S/2013/447)

The President (*spoke in Spanish*): Under rule 37 of the Council's provisional rules of procedure, I invite the representatives of Armenia, Belgium, the Plurinational State of Bolivia, Brazil, Canada, Chile, Colombia, Croatia, the Democratic Republic of the Congo, Denmark, Egypt, Estonia, Georgia, Hungary, India, Indonesia, the Islamic Republic of Iran, Israel, Japan, Liechtenstein, Lithuania, Malaysia, Namibia, the Netherlands, New Zealand, Nigeria, Qatar, Slovakia, South Africa, Spain, the Sudan, Switzerland, the Syrian Arab Republic, Thailand, Turkey, Uganda and the Bolivarian Republic of Venezuela to participate in this meeting.

Under rule 39 of the Council's provisional rules of procedure, I invite Ms. Navanethem Pillay, United Nations High Commissioner for Human Rights, to participate in this meeting.

On behalf of the Council, I welcome Ms. Pillay, who is joining today's meeting via video teleconference from Geneva.

Under rule 39 of the Council's provisional rules of procedure, I invite Ms. Valerie Amos, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator to participate in this meeting.

On behalf of the Council, I wish to welcome Ms. Amos, who is participating in today's meeting via video teleconference from Rio de Janeiro.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite Mr. Philip Spoerri, Director for International Law and Cooperation at the International Committee of the Red Cross, to participate in this meeting.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite His Excellency Mr. Ioannis Vrailas, Deputy Head of the Delegation of the European Union to the United Nations, to participate in this meeting.

The Council will now begin its consideration of the item on its agenda.

I wish to draw the attention of the members of the Council to document S/2013/447, which contains the text of a letter dated 1 August 2013 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General, transmitting a concept note concerning the item on today's agenda.

The Security Council takes up this item today as we commemorate World Humanitarian Day. Argentina would like to pay tribute to those who have lost their lives while rendering humanitarian assistance.

The Council last considered the issue of the protection of civilians in armed conflict at its open debate held on 12 February under the presidency of the Republic of Korea (see S/PV.6917). At that meeting, the Council took up the report of the Secretary-General contained in document S/2012/376 and the five challenges he identified therein, namely, enhancing compliance with international law by parties to a conflict, improving the same compliance by non-State actors, improving the protection of civilians by United Nations peacekeeping and other missions, improving humanitarian access and improving accountability for violations.

As a result of that debate, the Council adopted presidential statement S/PRST/2013/2, which reaffirmed its commitment to the protection of civilians in armed conflict and to the ongoing full implementation of all its relevant previous resolutions, including resolutions 1265 (1999), 1296 (2000), 1674 (2006), 1738 (2006) and 1894 (2009), as well as all of its resolutions on women and peace and security, children and armed conflict and peacekeeping, and all the relevant statements of the President.

The Council also reiterated its demand that all parties to a conflict abide strictly by obligations flowing from international humanitarian, human rights and refugee law. It also underscored, among other things, the need for secure and unhindered access for humanitarian assistance. It also made reference to the importance of ensuring that peacekeeping missions develop protection strategies in order to carry out their protection-of-civilian mandates. It also underscored the importance of investigating events and reiterated its commitment to the fight against impunity and

committed itself to follow up closely on its decisions pertaining to international tribunals.

On 17 July, the Council held an open debate on the protection of journalists, organized by the presidency of the United States of America. The main goal of that meeting was to continue to consider the protection of civilians as part of the Council's commitment by taking up various specific challenges, that is, improving compliance with international humanitarian law, human rights law and refugee law, improving access to humanitarian assistance and strengthening accountability for grave violations of international humanitarian law and human rights.

I am grateful for the presence of His Excellency Secretary-General Ban Ki-moon, to whom I now give the floor.

The Secretary-General: World Humanitarian Day is our annual opportunity to salute the brave and committed women and men who endure danger and adversity so others may survive and thrive, to thank those who open homes and borders to people fleeing war and persecution, and to remember those who have lost their lives helping others who are suffering.

Ten years ago today, explosions ripped through the Canal Hotel in Baghdad. Twenty-two United Nations colleagues lost their lives, among them Sergio Vieira de Mello. His passion for the mission of the United Nations and his compassion for those we serve remain inspirational. Every day, humanitarian workers protect, feed, shelter, educate, heal and assist millions of people, regardless of who or where they are. It is an outrage that our colleagues and partners should be attacked for providing those essential services. On this tragic anniversary, I call again for greater respect and protection for humanitarian workers and assets everywhere. Attacks against humanitarians are a violation of international law, they are war crimes and they are direct assaults on those who we serve, those who need us most.

Every day, we are reminded of the horrific consequences of conflict, violence and terrorism. We cannot become numb to that brutalization. I am particularly concerned about the use of explosive weapons with wide-area effect in populated areas. Roadside bombs, heavy weapons and artillery and air strikes can indiscriminately kill and maim, with profound humanitarian consequences.

I repeat my call to the Security Council and to Member States to also work through the General Assembly to recognize and act on this critical issue. We need to better understand the types of explosive weapons that are most problematic. We need to examine how existing international law can help regulate use. And we need to consider the concrete steps that can be taken to reduce the humanitarian impact of explosive weapons in populated areas.

In Syria, villages and towns are repeatedly subject to indiscriminate and disproportionate attacks. All parties to the conflict are systematically failing in their obligations under international humanitarian and human rights law to protect civilians. That must end immediately.

The violence has created overwhelming humanitarian needs and widespread suffering. The number of persons displaced by the fighting continues to grow. Yet, all parties continue to hinder direct and efficient access for impartial assistance. The humanitarian space in opposition-held areas is shrinking. And the Government continues to impose numerous and unacceptable bureaucratic and administrative constraints. I urge the international community to increase its support for relief efforts. That includes assisting affected countries in the region. Their borders need to remain open to people fleeing the violence.

I am also seriously concerned about the situation in the Central African Republic. The Council was briefed on Wednesday about the deteriorating humanitarian and human rights situation there. Armed attacks against civilians, illegal detention, torture, widespread sexual violence, child recruitment and abductions are rife. I urge the Council and the international community to give that tragedy the highest priority.

In the Democratic Republic of the Congo, civilians, including children, are also caught in the fighting, subjected to sexual and gender-based violence, killed, forcibly recruited and arbitrarily detained. Those violations have continued for far too long.

I call on all parties to respect their obligations under international law and to work towards the implementation of the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region. Protecting civilians demands timely political action and prevention. It means helping Governments — which have primary responsibility for

protection — to build the necessary capacity. That may include a presence or preemptive action by uniformed peacekeepers.

Where the United Nations acts to support the strengthening of national security institutions, we are guided by our human-rights due-diligence policy, which is firmly rooted in the fundamental principles of international law.

United Nations peacekeeping operations take an integrated approach to protecting civilians that addresses a wide spectrum of possible measures. The protection of civilians remains at the core of nine current United Nations peacekeeping operations.

The establishment of the new mandate for the United Nations Multidimensional Integrated Stabilization Mission in Mali and the strengthening of the mandate of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo have offered opportunities to enhance our ability to protect civilians. At the same time, the evolving nature of our protection role also poses significant challenges for the Council to consider. In particular, we must beware of the risk of being seen as a party to conflict and diminishing our ability to provide impartial and timely humanitarian assistance.

Let me turn to the question of compliance. It is essential to act on and punish violations of international humanitarian and human rights law, including the deliberate obstruction of humanitarian assistance. Commissions of inquiry and fact-finding missions with clear mandates have proven crucial in supporting investigations and informing possible referrals to the International Criminal Court.

The Security Council has a particularly important role in such efforts: first, in promoting the cooperation of Member States with the International Criminal Court and, secondly, in encouraging and assisting States to ensure accountability at the national level. Those responsible for attacks against aid workers must be arrested and prosecuted. We must never tolerate impunity.

Addressing the issues I have outlined demands unity and resolve. It has been 14 years since the Council acknowledged the protection of civilians as a fundamental component of its responsibility. In that time, divisions have too often stood in the way of action to meet urgent needs. The tragedy in Syria is a particularly stark example.

Let us be inspired by the unselfish commitment and sacrifice of humanitarian workers everywhere. Let us commit to work in common cause to meet our responsibility to the peoples of the United Nations — wherever and whenever they need us.

The President (*spoke in Spanish*): I thank the Secretary-General for his statement.

I now give the floor to Ms. Pillay.

Ms. Pillay: On this anniversary, I join the Secretary-General in paying tribute to our fallen colleagues, including my predecessor, High Commissioner for Human Rights Sergio Vieira de Mello, and support the call of the Secretary-General for greater protection of humanitarian and human rights workers.

As we mark this day, civilians in many conflict zones face unacceptably high levels of threat to their lives, security and dignity. This past July was the deadliest month in years in Iraq, as violence killed more than 1,000 people. In Afghanistan, in the first half of 2013, 1,319 deaths as a result of conflict were reported. In Syria, more than 100,000 people have been killed since the fighting began. The number of victims of the ongoing violence in the Central African Republic is still unknown, but reports give rise to concern.

I draw the attention of the Council to the important recommendations concerning the protection of civilians made at the recent Oslo conference, which gathered 94 States and various organizations, including my Office. They reiterated that all parties to a conflict must apply and respect both international human rights law and international humanitarian law. The protection of civilians is necessarily norm-based.

In that respect, I welcome the adoption, by the General Assembly, of the international Arms Trade Treaty (ATT). I hope that the ATT will become a powerful tool for the protection of civilians in armed conflict and the prevention of human rights violations. I strongly encourage States to ratify it as soon as possible.

Throughout the past year, my Office and human rights components of peace operations and political missions have continued to work in key country situations on the Council's agenda to improve respect for international human rights and humanitarian law.

In coordination with the United Nations Integrated Peacebuilding Office in the Central African Republic, we are closely monitoring the situation in that country. Recently, I dispatched a fact-finding mission to collect information on human rights violations, and I am working to increase the number of human rights officers on the ground. I appeal to the Council to urgently authorize the deployment to the Central African Republic of a large multinational force with a strong protection mandate, as stressed by Assistant Secretary-General Šimonović in his 14 August briefing to the Council (see S/PV.7017).

In Mali, 25 human rights officers have been deployed within the United Nations Multidimensional Integrated Stabilization Mission, to monitor, investigate and report on compliance with international human rights and humanitarian law. Human rights mobile teams have been dispatched to critical areas to document and analyse patterns of violence and to advise on action to prevent further violations. The human rights component is also playing an essential role in devising the Mission's strategy for the protection of civilians.

I am deeply concerned about the recent resumption of violence in the eastern part of the Democratic Republic of the Congo. The Office of the United Nations High Commissioner for Human Rights within the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo reported that the latest fighting between the Mouvement du 23 mars and the Forces armées de la République démocratique du Congo resulted in at least 200 cases of sexual violence, as well as many other gross human rights violations. The Office has increased field visits and advised on mission strategies to protect civilians.

United Nations Deputy High Commissioner for Human Rights Flavia Pansieri will visit the Democratic Republic of the Congo next week.

As regularly demonstrated, undertaking monitoring, causality checking, analysis and reporting of violations of international human rights and humanitarian law is critical for informing appropriate responses. In that regard, I welcome both the increasing use by United Nations bodies of international commissions of inquiry and fact-finding missions to investigate violation in conflict situations and the Council's developing practice of referring to their findings.

Currently, my Office is supporting the international commissions on the Syrian Arab Republic and the Democratic People's Republic of Korea. As part of our active monitoring and documenting of violations in conflict situations and making information available to the Security Council and beyond, earlier this year my Office published the shocking results of a study into the number of individuals killed in the conflict in Syria.

Providing humanitarian access and ensuring accountability for violations of international human rights and humanitarian law are obligations grounded in international law. They are not only morally imperative but also legal requirements. That was clearly recalled in the report of the Secretary-General's internal review panel on the United Nations action in Sri Lanka. States Members and the United Nations should make conserted efforts to ensure that the protection of civilians integrates, in a complimentary and mutually reinforcing manner, humanitarian access and full respect for the norms of international human rights, humanitarian and refugee laws.

In a recent joint statement, Under-Secretary-General Valerie Amos and I urged all parties to the conflict in Syria to allow humanitarian organizations safe access to all people in need. Today I renew my call to the Syrian Government to grant representatives from my Office and the Commission of Inquiry on Syria full access to the country.

Following the recent upsurge in inter-communal violence between rival Nuer and Murle tribes in South Sudan's Jonglei state, thousands of civilians fled to the bush, where their access to humanitarian aassistance has been extremely limited. The authorities need to redouble efforts to create a secure environment that would allow civilians to return to their towns and villages.

I welcome the resumption of direct peace talks between Israel and Palestine. That process can only achieve a tangible result if the protection of the human rights of all Palestinians and Israelis is placed at its centre. Ensuring accountability for all human rights and humanitarian law violations is essential in that regard. The illegal blockade of the Gaza Strip imposing restrictions on the enjoyment of fundamental rights must be lifted. The freedom of movement throughout the occupied Palestinian territory should be ensured.

I am also seriously concerned about the ongoing prevalance of impunity, which undermines the fabric of societies and is detrimental to any lasting solution to instability. States must adopt the necessary measures for

combating impunity, in compliance with international standards. In that respect, I welcome consideration given in Guinea-Bissau for the establishment of an international commission of inquiry to investigate crimes of political violence and other serious crimes, as well as gross violations of human rights committed since March 2009.

It is also of the utmost importance for perpetrators to be held fully accountable for violations committed in the Central African Republic. I welcome the recent statement by the Prosecutor of the International Criminal Court that her office will, if necessary, investigate and prosecute those most responsible for committing serious crimes there. That has followed the mission of Mr. Ivan Šimonović to the country, during which he discussed with national authorities ways to tackle the ongoing impunity.

With regard to Syria, I reiterate my call for the Security Council to refer the situation to the International Criminal Court. A referral would serve to make it clear to all actors that they will be held to account for their failure to abide by international human rights and humanitarian law. It is my hope that it will also contribute to preventing further violations.

I also remain seriously concerned about the human rights implications for the protection of civilians of armed drone strikes carried out in the context of counter-terrorism and military operations, including in Pakistan, Yemen and Gaza. The current lack of transparency surrounding their use creates an accountability vacuum and affects the ability of victims to seek redress. I urge the relevant States to clarify the legal basis for such strikes as well as the safeguards in place to ensure compliance with applicable international law.

In conclusion, I would like to reiterate that the protection of civilians is critically linked to the protection of all human rights. As the tragic events unfolding over the past few weeks in Egypt have shown so clearly, a failure to ensure respect for all human rights, including those aimed at ensuring vital democratic space, can culminate in bloody violence and the loss of lives. The response should equally be based on international law, including human rights. Otherwise, such failures are likely to have long-lasting and far-reaching consequences.

The President (*spoke in Spanish*): I thank Ms. Pillay for her briefing.

I now give the floor to Ms. Amos.

Ms. Amos: I would like to thank you, Madam President, for this opportunity to brief the Council this morning. I am delivering these remarks from Brazil where I am participating in ceremonies marking the tenth anniversary of the Canal Hotel bombing, which killed Sergio Vieira de Mello, one of my predecessors, and 21 other colleagues. I join the Secretary-General and the High Commissioner for Human Rights in remembering our colleagues who have given their lives in support of the global humanitarian effort.

You have proposed, Madam President, that today's debate be focused on three of the five core challenges to ensuring the protection of civilians in armed conflict, namely, compliance with international law, access to people in need and accountability for violations. Since the Secretary-General first indentified those challenges, in 2009, the Security Council has taken some important steps to implement its commitment to protect civilians. Peacekeeping operations have been given more consistent mandates. Situations have been referred to the International Criminal Court, which has secured its first conviction. Sanctions have been applied for serious violations, including the delberate obstruction of humanitarian access. However, there remains a need for the Council to use more consistently all the tools at its disposal to close the gap between commitments made in the Chamber and the devastating impact of conflict on the lives of civilians.

Humanitarian workers operate in very complex and insecure situations. They do all they can to reach and bring assistance to people in need. But despite their dedication and commitment and the unprecedented array of resources at the national, regional and international levels, millions of people around the world are not receiving the life-saving assistance and protection they need. Active hostilities, violence against humanitarian workers, restrictions on the movement of goods and interference in humanitarian activities all restrict access.

I will give two brief examples. There is a human tragedy unfolding before our eyes in Syria, where huge and urgent needs remain unmet. I am extremely concerned by the failure to protect civilians, which is in flagrant violation of the most basic rules of international humanitarian law and human rights law. Insecurity and bureaucratic constraints and limitations on the number of non-governmental humanitarian organizations

allowed to operate in Syria continue to prevent aid from reaching all those in need. We need more capacity, and humanitarian access must be granted to people trapped in areas under the control of Government forces or opposition groups.

In the Sudan, an estimated 900,000 people remain out of reach in areas controlled by armed groups in Jebel Marra, South Kordofan and Blue Nile states. The safety and living conditions of civilians caught in the midst of the fighting in those areas is reportedly rapidly deteriorating. Without access, we cannot do more for them.

There are other factors that limit access and raise protection concerns. People in areas controlled by non-State armed groups designated as terrorists may have no or only diminished access to humanitarian assistance and protection because of restrictions imposed by counter-terrorism laws and policies. An independent study on the impact of donor countries' counter-terrorism measures on principled humanitarian action was launched earlier this year. It contains recommendations addressed to the humanitarian community, donors and inter-governmental bodies, including that all the relevant actors discuss how to better reconcile counter-terrorism measures and humanitarian action. It also recommends that counter-terrorism laws and measures include appropriate exemptions for humanitarian action and that humanitarian actors be able to engage with groups designated as terrorists in order to negotiate safe and sustained access to civilian populations in need.

We must consider measures to prevent and mitigate the humanitarian impact of the use in populated areas of explosive weapons, which are by their nature indiscriminate within their areas of blast and fragmentation. We need to strengthen the protection of civilians from their effects. Discussions on the topic will take place next month.

Ensuring accountability for violations of international humanitarian law and human rights law remains a serious challenge. The primary obligation to investigate and prosecute serious violations lies with national authorities, with international mechanisms playing a subsidiary role. However, the relatively small number of prosecutions at the national level underlines the need for the United Nations and Member States to provide increased financial and technical support to national authorities in conducting investigations and prosecutions. National accountability mechanisms can also be complemented by the more regular and systematic use of commissions of inquiry and fact-finding missions by the Security Council.

There is an important list of basic obligations imposed by international law that must be respected by all parties to conflict. I shall repeat them here.

First, parties must not conduct attacks against civilians or civilian objects. Secondly, the relevant authorities must protect and meet the basic needs of persons within their control and ensure that the necessary conditions, security or otherwise, are in place to allow humanitarian access. Thirdly, when unable or unwilling to provide adequate assistance, the authorities must allow and facilitate rapid, safe and unimpeded access to people in need, including the immediate free passage of all medical supplies. Fourthly, consent for relief operations should never be withheld on arbitrary grounds.

As we have seen in the evolution of situations requiring humanitarian response around the world, it is clear that the concept of the arbitrary denial of consent for humanitarian operations requires greater legal development and policy attention, including from the Council.

Parties should avoid the use of explosive weapons and the establishment of military positions in populated areas.

On World Humanitarian Day today, as we remember our colleagues who have lost their lives in the humanitarian effort, we must do everything in our power to ensure that those who carry on their work can do so in safety. That is why there is a need for greater accountability at the national and international levels for those who perpetrate attacks against aid workers and in instances of the deliberate delay or denial of access for humanitarian purposes.

The President (*spoke in Spanish*): I thank Ms. Amos for her briefing.

I now give the floor to Mr. Spoerri.

Mr. Spoerri: I am honoured once again to have an opportunity to brief the Security Council on a topic that is at the heart of the mission and mandate of the International Committee of the Red Cross (ICRC) and central to all aspects of our daily work in armed conflict

zones around the world. On behalf of the ICRC, my thanks go to the Argentine delegation for the invitation.

Without being unduly pessimistic, it is fairly certain that, in terms of concrete progress on the ground, good news will be in short supply at today's debate, as it was in all the preceding ones in recent years. While considerable progress continues to be made on the normative and policy fronts towards the protection of civilians, including the historic adoption of the Arms Trade Treaty in April, the reality on the ground continues, sadly, to reflect a dire lack of protection.

In some of the diverse contexts in which the ICRC works, the situation of large numbers of civilians caught up in armed conflict is nothing short of catastrophic. Not only are many of today's armed conflicts increasingly protracted and increasingly complex in both their causes and consequences, they are also characterized by an alarming contempt for the rules of international humanitarian law on the part of belligerents.

The result, simply put, is a spiralling escalation of human suffering. In some cases, men, women and children are deliberately targeted — killed or wounded, raped, forced out of their homes, their property destroyed — abused in every sense. Many others suffer ill treatment in detention or go missing. Their plight and the anguish of their families often continues long after a conflict ends.

The elusiveness of lasting political solutions to many of today's armed conflicts has effectively consigned millions of people to chronic suffering and hardship, with humanitarian actors left to try to alleviate the worst of it, despite sometimes formidable constraints. However, neither the complexity and intractability of many of today's armed conflicts nor the burden of the global economic crisis can be an excuse for States to ignore their primary responsibility to the people affected by the conflicts.

The most critical challenge to the protection of civilians, among the five core challenges first set out by the Secretary-General in his 2009 report (S/2009/277) on the issue, is the need to improve respect for international humanitarian law by States and non-State armed groups, in international and non-international armed conflicts, regardless of their causes. That also entails strengthening accountability for violations of international humanitarian law, both by parties to conflict and by individual perpetrators, whether at the national level, including judicial action based on universal jurisdiction, or through international tribunals.

Working to ensure respect for international humanitarian law, and thereby endeavouring to help protect civilians, is a fundamental tenet of the ICRC mandate and work, and it is reflected in our impartial, neutral and independent approach. On the ground, that entails continuous engagement with all parties to a conflict, including non-State armed groups, and building pragmatic relationships with the relevant political forces at both the local and the national levels in a confidential manner, thus building trust. It means remaining close to the beneficiaries and responding to actual needs in a particular context, negotiating access step-by-step and scaling up operations when necessary. That helps to facilitate the broadest possible acceptance and respect, and thereby the broadest possible humanitarian access to civilians in need. It also helps to ensure the safety of our staff.

Yet the risks in pursuing such an approach are ever present, both for the ICRC and for Red Cross and Red Crescent societies with whom we work closely in many challenging and volatile contexts. Indeed, it is primarily a lack of respect for international humanitarian law by the parties to a conflict that impedes humanitarian access and endangers humanitarian personnel.

As we mark World Humanitarian Day today, we acknowledge humanitarian workers everywhere and pay special tribute to those who have lost their lives in the line of work. For both the United Nations and the ICRC, the attacks 10 years ago against our staff and facilities in Baghdad will bring back particularly painful memories. Tragically, attacks against humanitarian personnel have continued unabated in numerous countries around the world.

If anything, those terrible events have further strengthened the ICRC's resolve to achieve broad-based acceptance and understanding of its impartial, neutral and independent humanitarian approach, and to continue to build its security strategy based on that acceptance. Today, as 10 years ago, finding the right balance between the humanitarian impact of our programmes and the risks faced by our staff — fully mindful of the impact that halting operations has on vulnerable people — is an ever-present challenge in the ICRC's daily work. We will continue to rise to those challenges and persistently negotiate our way through to those most in need, all the while pressing the

parties to conflicts, both States and non-State armed groups, to respect their obligations under international humanitarian law.

I would like to briefly mention one specific issue of particular concern to the ICRC, one that I have reiterated at successive briefings to the Security Council, namely, the issue of violence against health care. I am talking about direct attacks on hospitals, ambulances and health-care personnel; about blocking ambulances from accessing wounded people, or holding them up for hours at checkpoints; the harassment of health-care workers, who sometimes see their colleagues killed or arrested for having treated opposition fighters or civilians and fear for their own lives; and about the diversion of medical supplies.

In order to have a better overview of the magnitude of the violence affecting healthcare, the ICRC has collected non-exhaustive data in 23 countries. Between January 2012 and May 2013, the ICRC noted more than 1,200 incidents affecting the delivery of, and access to, health care, including the killing of 112 medical staff, and approximately 250 incidents involving attacks on, or denial of access to, ambulances that were often delivering life-saving support. In summary, a blatant disrespect for the special status of health facilities, transport and personnel is still all too common.

Working to address the most serious yet underreported humanitarian problem remains one of the ICRC's priorities. Some progress has indeed been made in terms of mobilizing concerned stakeholders and raising awareness and understanding of the issue. Yet a prevailing disrespect still exists among belligerents for the inviolability of health facilities, transport and personnel, which is ultimately making safe access to health care impossible for untold numbers of people in need. The ICRC therefore once again urges members of the Council to initiate or actively support efforts to address this urgent humanitarian concern, and to press others to do the same.

Respect for the laws of war not only provides protection for civilians during armed conflict but also helps facilitate post-conflict recovery. Conversely, attacks on civilians and key civilian infrastructure, such as health and educational facilities, can have harmful repercussions long after a conflict ends.

On a more positive note, I would like to return to another point I raised during the most recent protection-of-civilians debate in February (see S/PV.6917). The ICRC has consistently highlighted the unacceptable human cost of the widespread availability of conventional arms, and called for the adoption of a strong Arms Trade Treaty. We were therefore pleased to see that happen in April.

We now urge States to swiftly ratify and implement the Treaty, to translate normative progress into tangible results on the ground. The historic achievement of the Arms Trade Treaty lies in its establishment of a global norm prohibiting the transfer of weapons where they would be used to commit or to facilitate serious violations of international humanitarian law, among other grave crimes. Provided that norm is implemented in a consistent, objective and non-discriminatory manner, it will go a long way towards achieving the Treaty's explicit humanitarian purpose of reducing human suffering and saving civilian lives. In practice, that entails carrying out a rigorous risk assessment prior to authorizing arms transfers, and refraining from transferring weapons to parties to armed conflicts that have a track-record of serious violations of international humanitarian law. A look at a number of current armed conflicts, however, reveals an evident gap between the transfer requirements expressed in the Arms Trade Treaty and the transfer practice of some States.

Achieving the effective protection of civilians through improved compliance with international humanitarian law requires a concerted effort by a range of stakeholders, the ICRC being just one of them. As I mentioned in February, the joint Swiss-ICRC initiative to strengthen compliance with international humanitarian law — which emerged from the thirty-first International Conference of the Red Cross and Red Crescent — continues to gain momentum. Most recently, in June, more than 70 States participated in constructive discussions held at a meeting held in Geneva to affirm strong general support for a regular dialogue among States on international humanitarian law and to look at possible functions of a compliance system. As requested, Switzerland and the ICRC will formulate concrete proposals and options, in particular on the form and content of a periodic reporting system on national compliance; the form, content and possible outcome of thematic discussions on issues pertaining to international humanitarian law; the modalities of fact-finding, including possible ways to make use of the International Humanitarian Fact-Finding Commission; and on the features and tasks of a meeting of States.

However, the main onus remains on States, and I end with the ICRC's plea for them to show the requisite political will to turn legal provisions into a meaningful reality and to show good faith in protecting the victims of armed conflicts — conflicts that, in view of some of the challenges I have mentioned today, are likely to become ever-more complex and intractable in the years to come.

The President (*spoke in Spanish*): I thank Mr. Spoerri for his briefing.

I shall now give the floor to the members of the Security Council.

Mr. Pankin (Russian Federation) (*spoke in Russian*): We thank Argentina for hosting today's debate, which is taking place during World Humanitarian Day as we mark the deaths of those killed 10 years ago in a tragic attack against United Nations headquarters in Baghdad.

We thank the Secretary-General, the heads of the United Nations Office for the Coordination of Humanitarian Affairs and the United Nations Office of the High Commissioner for Human Rights and the representative of the International Committee of the Red Cross for their statements.

Today's agenda item is extremely relevant given the difficulties in protecting civilians in a number of hot spots. We are convinced that, in order to remedy the situation, selective and unilateral approaches to violations of international humanitarian law must be set aside, and strict adherence to human rights standards and the implementation of the relevant decisions of the Security Council are necessary.

We firmly condemn targeted attacks on civilians, as well as casualties as a result of the indiscriminate or disproportionate use of force. Such actions are flagrant violations of international humanitarian law. There is no justification for armed groups to attack peaceful civilians, carry out terror attacks or take hostages. We underscore the responsibility of all parties for ensuring the safety of civilians and strict compliance with norms of international humanitarian law. We call for a thorough investigation of all the relevant incidents and the punishment of perpetrators.

The protection of civilians is the responsibility of the Governments of the States parties to a conflict. The activities of the international community should seek to assist national efforts in that regard. The adoption of response measures to ensure the protection of civilians by the use of force are only possible with the approval of the Security Council and with unwavering compliance with the provisions of the Charter of the United Nations. Attempts to manipulate mandates approved by the Security Council are unacceptable.

It is not always right to rely on strengthened mandates to provide peacekeepers the right to use force or intimidate. Protecting civilians is one aspect of the activities of peacekeeping missions, and is to be carried out in connection with specific mandates defined by the Council for each operation. The fundamental task of peacekeepers is to provide assistance to the peace process. To ensure the optimal use of peacekeeping resources, there is an imperative need to devise clear protection-of-civilians strategies for peacekeeping operations with related mandates and to train peacekeepers in that area. Ensuring the protection of civilians requires the system-wide coordination of measures, at the international, regional and national levels.

Furthermore, it must be borne in mind that one of the components of that challenge is the issue of the provision of humanitarian aid. It is clear that the importance of humanitarian aspects is growing, in particular with respect to a comprehensive strategy for crisis prevention as well as in the post-conflict phase. Work in that area must be based on the provisions of the Charter of the United Nations and basic humanitarian principles, and its effectiveness will depend to a large extent on the level of coordination with the efforts of the international community in the area of political settlements. In that context, one of the core principles is that of upholding State sovereignty.

The Russian Federation attaches great importance to the creation of conditions conducive to the appropriate and timely provision of humanitarian assistance to those in need. Governments must play a leading role in initiating and coordinating international aid, and ensuring safe and unfettered access for humanitarian staff to civilians in need, in particular in the context of armed conflict, is one of the key challenges in humanitarian response operations. The successful implementation of such operations requires unstinting compliance by all participants in humanitarian activities with the guiding principles of emergency humanitarian assistance set out in annex to General Assembly resolution 46/182.

Ensuring the physical presence of foreign humanitarian personnel in disaster situations is just one aspect of the problem of access and not an end in and of itself. The primary task is, rightly, choosing the simplest, most practical, achievable and suitable means and routes for the provision of aid, as these may differ in each case.

Furthermore, the international community and all humanitarian partners, including United Nations system entities and specialized non-governmental organizations, must uphold the sovereignty of States receiving assistance. We once again stress that the general coordination of such operations, including the allocation of funds, the identification of transport routes and the selection of partners, is the exclusive prerogative of host States.

On the issue of ensuring access, we wish to call attention to the problem of the use of armed forces for the transport of humanitarian assistance. The international community has repeatedly underscored that the allocation of military resources to humanitarian-aid-provision operations should be a method of last resort, when the use of civilian manpower or resources is not possible and human lives are at stake.

In our view, the inappropriate use of military resources runs counter to the principle of the independence of humanitarian aid from economic, political and military objectives. We support the activities of the Office for the Coordination of Humanitarian Affairs as a central coordination mechanism for international humanitarian assistance. We note the efforts undertaken, including steps towards reform to increase the effectiveness and timeliness of the provision of humanitarian assistance to those in need. We are convinced that a key role in that process must be played by Member States themselves. In that connection, we would emphasize the need to bolster cooperation among United Nations humanitarian bodies and Member States, which would increase trust in the United Nations humanitarian system as the most effective mechanism for assisting Governments in tackling the consequences of emergency situations.

Mr. Kim Sook (Republic of Korea): On this solemn day, the tenth anniversary of the bombing of the United Nations offices in the Canal Hotel in Baghdad, I wish to pay tribute to all those who have lost their lives while serving the Organization.

At the outset, I would like to thank you, Madam President, for your presence here today and for having convened this significant debate. I would also like to express my sincere appreciation to the Secretary-General; Ms. Pillay, of the Office of the United Nations High Commissioner for Human Rights; Ms. Amos, of the Office for the Coordination of Humanitarian Affairs; and Mr. Spoerri, of the International Committee of the Red Cross, for their informative and insightful briefings.

International humanitarian law requires all parties to conflict to spare civilians from the effects of armed conflict. The Council, in its presidential statement on the protection of civilians (S/PRST/2013/2), adopted last February (see S/PV.6917), reiterated its call for strict compliance by parties to a conflict with their obligations under international law. However, civilians continue to account for the vast majority of casualties in many conflict situations around the world.

The situation in Syria in particular poses a serious challenge to the protection-of-civilians agenda of the Council. According to the findings of the Independent International Commission of Inquiry on the Syrian Arab Republic, murder, torture, rape, forcible displacement, enforced disappearance and other inhumane acts are widespread in Syria, and civilians are bearing the brunt of the tragic hostilities.

Against that backdrop, my delegation would like to underline the following key points.

First, accountability is the key to the protection of civilians in armed conflict. Those who commit war crimes, crimes against humanity and other violations of international law must be held accountable. Impunity should not be an option. While the International Criminal Court (ICC) and other international tribunals play a crucial role, the Security Council must also do its part, including through the referral of relevant situations to the ICC. In that vein, the Republic of Korea has declared its support for the referral of the situation in Syria to the International Criminal Court.

Accountability requires verification, investigation and documentation of allegations of serious violations of international human rights law and humanitarian law. My delegation recognizes the significant contribution made by the international commissions of inquiry and fact-finding missions, under the auspices of the Human Rights Council or the Secretary-General, and reiterates its full support for them. Timely recourse to the

International Humanitarian Fact-Finding Commission established by Protocol I to the Geneva Conventions should also be encouraged with a view to ensuring more credible information.

Secondly, the implementation of protection mandates by United Nations peacekeeping missions should be further enhanced. Valuable progress has been made in that field since the open debate held last February, including the establishment of the United Nations Multidimensional Integrated Stabilization Mission in Mali, with a strong protection mandate. In order to further improve the protection of civilians in conflict, we need to encourage effective interaction and better coordination among protection-mandated missions, host States and humanitarian organizations undertaking protection efforts in a spirit of cooperation. One step towards that end will be the increased use of training modules on the protection of civilians, developed by the Department of Peacekeeping Operations, by States sending personnel to protection-mandated missions.

In that regard, I would like to recall that the presidential statement adopted in February requested the Secretary-General to include in his next report, due in November of this year, an assessment of the concrete measures taken by peacekeeping missions to implement their mandates in protecting civilians and the impact of such measures. I hope that the Council's next debate will be a valuable occasion to enhance the implementation of protection mandates by peacekeeping missions.

Thirdly, the use of explosive weapons with wide-area impact should be avoided in densely populated areas. My delegation is deeply concerned about the appalling civilian suffering that explosive weapons cause. It is disturbing that, as research has shown, more than 34,000 people were killed or injured by explosive weapons in 2012, and 78 per cent of those affected were civilians. The study found that 58 countries were affected by the use of explosive weapons, and the most severely affected countries include Syria, Iraq and Afghanistan. My delegation believes that the international community needs to intensify its consideration of that issue through more focused discussions. The starting point should be gathering and analysing data on the use and impact of explosive weapons in populated areas.

The Arms Trade Treaty, adopted in April, presents a timely opportunity for the international community to address the human cost of the poorly regulated arms trade by prohibiting the transfer of arms that would be used in the commission of genocide, crimes against humanity, war crimes and attacks directed against civilians. The Republic of Korea signed the Treaty in June and looks forward to its early entry into force.

Before concluding, my delegation would like to reaffirm the need for continued attention to vulnerable groups, including women and children. It is deeply disturbing that sexual violence continues to be a prominent feature of conflict and remains widespread, even in many current situations on the Council's agenda, including in the Central African Republic, the Democratic Republic of the Congo, Afghanistan, Somalia, the Sudan, South Sudan and Syria. As resolution 2106 (2013), on women and peace and security, adopted in June, emphasized, accountability should be ensured for perpetrators of sexual violence in conflict, and women's political and economic empowerment should be further encouraged for the long-term prevention of sexual violence. To that end, the Council needs to strengthen its cooperation with all the relevant bodies in the United Nations system, including UN-Women and the Office of the United Nations High Commissioner for Human Rights.

Mr. Menan (Togo) (*spoke in French*): I congratulate you, Madam President, on the initiative taken by your country to hold this debate on the protection of civilians in armed conflict, an issue of concern to the United Nations, in particular the Security Council. Serious violations against civilians in armed conflict persists, and hence the interest in this morning's debate, which is being held on World Humanitarian Day. I thank the Secretary-General, the Under-Secretary-General for Humanitarian Affairs, the United Nations High Commissioner for Human Rights and the Director for International Law and Cooperation of the International Committee of the Red Cross for their statements.

Despite the Council's efforts to strengthen the protection of civilians in armed conflict, we find that the cumbersome bureaucracy, restrictions, segregation and discrimination imposed by the parties to conflict continue to prevent humanitarian agencies from providing assistance to many civilian populations in need. The Syrian conflict, like many others in Africa and elsewhere, including the situation in Jonglei state in South Sudan and the conflict between the Buddhist and Muslim communities in the states of Rakin and Kachin in Myanmar, are indicative of that state of affairs. Similarly, the denial of humanitarian access to civilian populations in need is a serious violation

of the human rights and human dignity of the victims, in particular women and children. The perpetrators of such behaviour should be prosecuted.

That is why my country welcomes the recent initiatives taken by the Security Council to enhance the protection of civilians in conflict zones. An example of such efforts is the adoption of resolution 2112 (2013), which allowed the establishment, within the framework of the United Nations Operation in Côte d'Ivoire, of a comprehensive strategy to protect civilians. In addition, the African Union Commission, in close collaboration with the African Union Mission in Somalia, has adopted an approach to the protection of civilians that should, in our opinion, allow both the Commission and the Council to provide visible protection that is based on the realities on the ground.

The effective protection of civilians in armed conflict requires that the capacity of peacekeeping operations be strengthened. The introduction of robust mandates to protect civilians is a decisive step in a strategy to protect civilians, provided that peacekeeping missions are provided with adequate resources to implement those mandates. That is why it is important that Council members agree on the use of new technologies, such as drones, in the protection of civilians.

Moreover, since the circulation of small arms and light weapons is a threat to the protection of civilians, we must work towards accession by all States to the Arms Trade Treaty, which was adopted in April.

Effectively protecting civilians in armed conflict requires vigorous efforts to combat impunity for perpetrators of violations against civilians, in accordance with international humanitarian law and international human rights law. The transfer of Bosco Ntaganda to the International Criminal Court and the arrest warrants issued for Joseph Kony and his lieutenants from the Lord's Resistance Army show the determination of the international community and the Security Council to put an end to serious violations of human rights in armed conflict. We must pursue our efforts to achieve the goal of putting an end to impunity.

Finally, Togo shares the view that the five core challenges to ensuring more effective protection of civilians, identified in the report of the Secretary-General (S/2012/376), have not lost any of their relevance and should therefore be reflected in the report that the Secretary-General will submit in November. My delegation also hopes that the views expressed during today's debate will bring added value to that report.

Mr. Quinlan (Australia): Thank you for convening this debate, Madam President, for your presence here today and for Argentina's very strong leadership on the protection of civilians. I would also thank the Secretary-General for his consistent leadership on protection matters and High Commissioner Pillay, Under-Secretary-General Amos and Mr. Spoerri for their unwavering efforts.

Today's debate is an apt way to mark World Humanitarian Day and pay tribute to those working tirelessly to address humanitarian challenges — people to whom we owe so much. We also pause to reflect on the life and legacy of Sergio Vieira de Mello, a humanitarian of courage and conviction, and his 21 United Nations colleagues who were killed in Baghdad.

International humanitarian law obliges all parties to a conflict to protect civilian populations against the effects of hostilities and sets out a range of fundamental protection guarantees. It also extends specific protections to relief and medical personnel. Yet, humanitarian actors are still too often — and at times systematically — subject to indiscriminate and deliberate attacks.

In June, the Council expressed its outrage over the attack on the United Nations compound in Mogadishu. We learned last week that Médecins sans Frontières has ended its engagement in Somalia following attacks on its personnel. In Syria, 20 Syrian Arab Red Crescent staff have been killed during the conflict. Over the past decade, 47 aid workers have been killed in Darfur. We know that some of those killings were the result of deliberate attacks, which is an intolerable situation.

The reality is that humanitarian actors operate in extraordinarily difficult circumstances. Their work is hard enough, but constraints on humanitarian access continue to further undermine the ability of humanitarian actors to reach people in need. Delayed, impeded or denied access causes unnecessary deaths, avoidable disease and needless suffering.

Under international humanitarian law, each party to a conflict has the responsibility to meet the basic needs of civilians under its control. For those provisions to have any meaningful effect, it is imperative that consent to relief operations not be arbitrarily denied.

We support the call made by Under-Secretary-General Amos this morning for further attention to that concern.

Nowhere are the challenges to humanitarian efforts more evident than in Syria. The Syrian Government has systematically used bureaucratic and operational obstacles to deny, delay and impede access for the delivery of urgently needed humanitarian assistance, including, alarmingly, medical supplies. Denying civilians access to medical personnel and facilities is a particularly grave failure of the Syrian Government's protection obligations to its own citizens.

Tens of millions of civilians continue to suffer in conflicts, not because of a lack of legal protection — obligations under international law are clear — but because international humanitarian law is routinely flouted by both States and non-State actors. Further promotion of international humanitarian law is therefore essential. We commend the International Committee of the Red Cross for its determined leadership in strengthening compliance. Increasingly, situations on the Council's agenda involve non-State armed groups. We applaud practical measures such as the deeds of commitment that encourage armed non-State actors to comply with humanitarian and human-rights norms. An outstanding example is Geneva Call's deed of commitment banning anti-personnel mines, signed by 42 non-State armed groups from 10 countries. The Council should continue to explore creative ways of promoting compliance by non-State armed groups, as it has done to prevent grave violations against children.

When laws protecting civilians are violated, we must ensure that all efforts are made to bring those responsible to justice. As a first step, we support the Secretary-General's recommendation that the Council establish and support fact-finding missions to document violations of the law in order to inform decision-making and pave the way for criminal-justice proceedings. Investigating and prosecuting violations of laws protecting civilians is, in the first instance, a national responsibility. The Council should ensure that peacekeeping and special political missions are mandated to assist host States in strengthening the rule of law and boosting their capacity to investigate and prosecute serious violations of international humanitarian and human rights law. There will, however, be occasions when national authorities are unwilling or unable to do so. In such cases, the Council must be proactive in ensuring an appropriate international response so as to avoid any impunity for the perpetrators. It is vital that the Council consider referring situations involving genocide, crimes against humanity and war crimes to the International Criminal Court (ICC), and that the Council support action by the ICC.

In conclusion, protecting civilians is primarily a national responsibility. But where national authorities fail and mass atrocities occur, the international community, including the Council, must be prepared to act to meet our responsibility to protect. Australia will continue to be a voice for Council action in such circumstances. That is, after all, the legitimate expectation of the many millions of civilians who desperately need protection, and a defining benchmark against which the United Nations itself should and will be judged.

Mr. Parham (United Kingdom): I would like to welcome you warmly to the Council, Madam President, and to thank you for scheduling this important debate today. I would also like to thank the Secretary-General, High Commissioner for Human Rights Pillay, Under-Secretary-General Amos and the Director from the International Committee of the Red Cross (ICRC), Mr. Spoerri, for their compelling — although of course very worrying — briefings. We should reflect carefully on their advice, both on tackling specific current conflicts and on our approach to the broader protection of civilians.

We applaud the commitment and energy that the Argentine delegation has brought to the protection of civilians and related issues since it joined the Council in January. We are also proud of the contribution that Argentina, Australia, we and the other co-authors of the Arms Trade Treaty have made to the issue of the protection of civilians through that Treaty. Like others, we look forward to its ratification and implementation. I will focus on two of the dimensions of the issue of the protection of civilians highlighted in the President's concept note (S/2013/447, annex), that is, strengthening accountability and ensuring humanitarian access.

History demonstrates all too clearly that the worst crimes against civilians have been committed by perpetrators who believed that they did not have to fear being held responsible. That is why tackling impunity and strengthening accountability for serious violations of international humanitarian law and human-rights law must be a central element of international efforts to protect civilians. We should acknowledge the important

progress that has been made in the past two decades. The establishment of the International Criminal Tribunal for the Former Yugoslavia, in 1993, and, subsequently, the International Criminal Tribunal for Rwanda signalled a marked change in the reach and effectiveness of international justice that was then consolidated by the creation of the International Criminal Court. Twenty years after their establishment, it is sometimes easy to forget or underestimate their impact. Let us therefore recall that we now live in a world in which no one can count on being shielded by State sovereignty. Heads of State, military leaders and politicians have all had to account for their actions before mechanisms of international justice, actions that have inflicted untold suffering, including often the systematic use of sexual violence against civilians.

But much remains to be done. We must do more to support and uphold existing mechanisms of justice. We must hold States to their obligations to cooperate fully with those mechanisms, as we did successfully with the International Criminal Tribunal for the Former Yugoslavia, all of whose indictees were eventually apprehended. The United Kingdom urges all United Nations Members that have not yet done so to become parties to the Rome Statute, and we urge all those that are already States parties to uphold their responsibilities in that regard. It is deeply disappointing, for example, that in recent months we have seen high-profile indictees who refuse to cooperate with the International Criminal Court visit or travel unchecked through the territory of States parties. The Council should be ready to make use of its authority to make referrals to the International Criminal Court in order to enhance the protection of civilians. Our failure to refer the situation in Syria to the Court is a matter of great regret. We have seen there no let-up — rather the opposite — in the disproportionate use of weaponry, including ballistic missiles and aerial bombardment, against civilian centres. We have seen murder, torture, sexual violence and forcible displacement used as tools of conflict.

The Council's responsibility with regard to the protection of civilians in Syria is clear. We have to impress upon all sides in Syria that there is no impunity. We should delay no further in referring the situation in Syria to the International Criminal Court. We should ensure that mechanisms of international justice are applied and that all those responsible for planning and perpetrating war crimes in Syria and associated civilian suffering are made to answer for them.

Let me now turn to another theme highlighted in the concept note, namely, the importance of ensuring humanitarian access to those in need. That is a fundamental aspect of protecting civilians. I would like to highlight two such situations of particular relevance in that regard: Blue Nile and Southern Kordofan states in the Sudan, and Syria.

In Blue Nile and Southern Kordofan, hundreds of thousands of civilians have been displaced and are vulnerable to continuing conflict. They remain largely cut off from humanitarian access. That situation has persisted for months, indeed for years. In Syria, as the Emergency Relief Coordinator has repeatedly stated in briefings to the Council, it has proved extremely difficult to secure humanitarian access to those affected by the fighting. Those two situations, although on different continents, have several features in common: the tragic impact of unchecked conflict on civilians; a tendency on the part of the host authorities to see external humanitarian assistance as interference in domestic affairs; the arbitrary denial of the delivery of humanitarian support to those in need; and the prevention of cross-border humanitarian access, impeding the speed and reach of humanitarian assistance to vulnerable civilians.

On Syria, I welcome the efforts of Valerie Amos to develop a consensus around a set of key humanitarian requirements that offer practical recommendations on what can be done to improve humanitarian access. I hope the Council will work intensively and constructively in the coming days to find ways to come together in support of those recommendations. With regard to Blue Nile and Southern Kordofan, we should apply our influence as a Council to ensure humanitarian access to civilians. We urge the warring parties to immediately reach a negotiated settlement that will end the fighting and alleviate civilians' suffering. Again, I hope that the Council will be able in the near future to renew its commitment to such an approach.

While on the subject of humanitarian access, and on this day, World Humanitarian Day, I would like to pay tribute to the dedication and bravery of humanitarian aid workers and to acknowledge the risks they face in helping those in need. They too are civilians, and we need to focus on their protection and on the accountability of the criminals who attack them.

The international community has made important strides forward in respect to the protection of civilians.

We have established effective and far-reaching mechanisms of international justice. We have extended international normative commitments through a series of comprehensive Council documents on the protection of civilians, most recently the presidential statement of 12 February 2013 (S/PRST/2013/2). But as the presidency's concept note highlights, those important steps have yet to be translated into reversing the increasing suffering of civilians on the ground. For all the efforts that have been made, the Secretary-General, in his most recent report (S/2012/376), still correctly characterizes the current situation in respect of protection of civilians as abysmal. We must therefore, as a Council, continue to focus intensively on that challenge — to uphold and, where necessary, extend the authority of international justice mechanisms, while helping to strengthen domestic justice systems; exercise our responsibility to refer to the International Criminal Court those situations that warrant it; support the need for effective humanitarian access in situations where that is hindered; and demand that all parties meet their obligations to protect civilians and apply maximum pressure to those that fail to do so.

The protection of civilians is central to the Council's role. It should be uppermost in our minds, not just during thematic debates but throughout all of our work.

Mr. Loulichki (Morocco) (*spoke in French*): May I begin by thanking you, Madam President, for convening this relevant debate, the third that the Council has organized this year on the topic of the protection of civilians in armed conflict. The frequency of the debate illustrates the ongoing challenge that protection represents. We thank you, Madam President, for having launched the debate, and we would also like to hail the commitment of the Secretary-General, of Ms. Pillay, of Ms. Amos and of Mr. Spoerri, all of whom have worked for the protection of civilians in line with their institutions' respective mandates. Allow us to express our gratitude to them for their most edifying contributions to today's debate.

The protection of civilians has always been at the heart of laws governing war and of international humanitarian law. That protection has become increasingly necessary in the light of the trend towards asymmetrical wars, where regular armies face off against non-State armed groups. The imperative need for protection has also come to light given the devastating consequences of those conflicts and the use of increasingly deadly weapons. Although protection applies to all civilians, be they locals, refugees or international players such as journalists or humanitarian workers, particular concern must continue to be shown for women and children, who are innocent primary targets of exactions, violations, atrocities and other types of abuses.

Protection is an obligation set forth in international humanitarian, human rights and refugee law. It is clear that, despite the clarity and long-standing nature of rules governing the protection of civilians and the commitments of parties to conflict, civilians continue to pay a high price in clashes. The striking brutality that we have seen over the past months is yet another reminder of that.

Challenges to the protection of civilians are enormous and have become increasingly complicated, owing to internal conflicts that become military in nature in a most dangerous way, taking on political, religious and sectarian dimensions that endanger the lives of civilians. It is inadmissible that violations of the fundamental rights to life, physical integrity and dignity of thousands of innocent people continue to occur in all impunity before our eyes without leading to a forceful and decisive response from the Security Council.

Since the presentation in 1999 of the first report of the Secretary-General on the topic (S/1999/957), the Council has adopted several statements and resolutions particularly or specifically on the protection of civilians. At the same time, concern for the protection of civilians is increasingly being realized, thanks to United Nations action on the ground. My country is pleased to contribute to the achievement of that humanitarian goal through its participation in various peacekeeping operations.

By adopting the presidential statement contained in document S/PRST/2013/2, the Council rightly sounded the alarm with regard to

> "the acute impact of conflict on refugees and internally displaced persons [... and] the need for all actors to work together for a durable solution for refugees and internally displaced persons including voluntary safe, dignified and sustainable return, resettlement, or local integration, as appropriate".

In that context, the Council correctly underscored the importance of registration, as it enables protection and

the assessment of needs with regard to the provision and distribution of aid to refugees. The Council has requested that all actors take appropriate and necessary measures in order to guarantee the upholding of principles applicable to the protection of refugees and the rights of refugees, in particular with regard to the civilian and humanitarian nature of refugee camps.

The protection of civilians is a matter, first and foremost, of primary responsibility for the States of which the civilians are nationals. However, it also touches upon the role of armed non-State actors, who unquestionably present a real challenge, given their responsibility for most of the recent armed conflicts we have seen, their participation in the commission of atrocities and massacres against civilians and their efforts to control humanitarian aid.

As emphasized by the Secretary-General in one of his most recent reports, humanitarian activities continue to suffer from the meddling of State and non-State actors that are pursuing non-humanitarian objectives, which leads to the disruption of humanitarian projects and the diversion of aid. We think that that is an important aspect that should indeed be delved into further in future reports of the Secretary-General in order to determine responsibility and prevent such interference.

Improving access for humanitarian workers is strongly tied to the need to protect civilians in situations of armed conflict. In particular, that involves facilitating unfettered and safe access on the part of humanitarian organizations to those who need them. That access must be granted in a context of upholding the principles of humanity, neutrality, impartiality and independence in all matters related to humanitarian affairs.

Finally, the sixty-seventh session of the General Assembly was marked by the adoption of the Arms Trade Treaty, to which my country made its own humble contribution. We express our hope that the adoption of that instrument and its entry into force can lead to an improvement of the protection of civilians in times of conflict.

Mr. Masood Khan (Pakistan): Madam President, we deeply appreciate that you are presiding over the Council meeting today. We thank Argentina for organizing this open debate on the protection of civilians in armed conflict. This third debate on the subject in the Council this year underlines the overarching importance of the subject. We are also grateful for the very insightful briefings given today by the Secretary-General, the Under-Secretary-General for Humanitarian Affairs, the High Commissioner for Human Rights and the Director for International Law and Cooperation of the International Committee of the Red Cross. The concise concept note circulated by Ambassador Perceval and her team (S/2013/447, annex) identifies priority issues of compliance, access and accountability and guides our discussion today.

As we meet here today, wars and conflicts continue to unfold before our eyes, and the vast majority of their victims are civilians, who face random or targeted deaths, grievous injury and massive displacement. The Secretary-General has rightly pointed out that, despite established norms and laws, the abysmal state of the protection of civilians in armed conflict has changed little.

It is imperative to translate normative standards into concrete actions on the ground. The Council has done its job in urging all parties to armed conflict to comply with their obligation to protect civilians and abide by international humanitarian, human rights and refugee law. Compliance with those laws is sporadic at best, or entirely lacking. Defiance of international humanitarian law is rampant. There are obstacles to legitimate humanitarian access to affected populations. Accountability is weak and, in most cases, non-existent.

Pakistan strongly condemns all attacks against civilians in situations of armed conflict, especially the use of gender-based violence as a tactic of war. The principles of distinction and proportionality must be observed in all circumstances.

We endorse the view of the Secretary-General that those principles also apply to the use of new technologies, including armed drones. We support High Commissioner for Human Rights Pillay's call today for clarifying the legal basis for armed drone strikes. We believe that such strikes violate international humanitarian law, and therefore should be stopped. Negotiations in that regard must be intensified.

Special measures must be taken to protect vulnerable groups such as women, children, refugees and internally displaced persons. Protection must also be ensured for humanitarian actors, including medical professionals and associated personnel, journalists, students and teachers.

The Security Council must continue to address the issue of the protection of civilians in armed conflict as a key priority. There should be no impunity and no exceptions.

The Security Council and international tribunals have successfully addressed some of those concerns in a number of situations and has taken targeted measures against violators. Because of its proven value, the Council should persevere in that approach in an objective, impartial and non-politicized manner.

The protection of civilians, although part of many United Nations peacekeeping mandates, is the primary responsibility of States. Pakistan, as one of the top troop contributors, has proudly performed the task of protecting civilians in different parts of the world, including in existing missions in the Democratic Republic of the Congo, Darfur, Côte d'Ivoire and Liberia.

Based on our first-hand experience, we reiterate our demand that peacekeeping missions be given adequate resources and operational tools to implement their mandates, especially with regard to reporting and intelligence capabilities and the protection of women and children.

Before concluding, I would like to make the following observations. All parties to conflict must remove obstacles to ensure the swift provision of legitimate humanitarian assistance to affected populations. The interaction between humanitarian actors and parties to armed conflict should conform to the principles of international humanitarian law, within the framework of host country agreements. The term "protection of civilians" should be used with the utmost precision, to avoid giving recognition or legitimacy to terrorist groups or criminal gangs.

The clear distinction between the established norms on the protection of civilians and the evolving concept of the responsibility to protect should be maintained.

The cause of the protection of civilians is best served by preventing the outbreak of armed conflicts, addressing the root causes and by pursuing the peaceful settlement of disputes and conflict resolution. That approach leads towards sustainable peace.

Finally, the ceremony held today to remember those who have laid down their lives in the service of peace has reminded us that new and more effective measures should be taken to ensure the safety and security of United Nations personnel, peacekeepers and humanitarian actors.

Mr. Musayev (Azerbaijan): First of all, I would like to thank Argentina for convening this open debate on the very important issue of the protection of civilians in armed conflict and for submitting a concept note on the topic (S/2013/447, annex).

On this World Humanitarian Day and the tenth anniversary of the attack on United Nations headquarters in Iraq, we pay tribute to all of those who have lost their lives in the humanitarian effort.

My delegation thanks the Secretary-General, the High Commissioner for Human Rights, the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator and the representative of the International Committee of the Red Cross for their contributions to the discussion.

Over the years, a comprehensive legal framework on the protection of civilians in armed conflict has been established. The key obligations are contained in the relevant instruments of international humanitarian, human rights and refugee law.

The significant development of international norms and standards on the protection of civilians and the Council's engagement have given rise to increased attention to the issue. However, efforts to ensure a peaceful, just and prosperous world have not always been consistent or successful. Civilians continue to pay the highest price in the wake of armed conflict and to suffer from inadequate protection and discriminatory treatment in many parts of the world.

The challenges to civilian protection are vast. But the main obstacles relate primarily to the frequent failure of parties to conflict to comply with their obligations under existing legal rules. It is imperative that all parties to armed conflict strictly abide by their obligations under international humanitarian and human rights law.

The most challenging problems are inaction and the neglect of civilian suffering, along with a prevailing atmosphere of impunity and lack of accountability. The best deterrent is, undoubtedly, ensuring a speedy end to impunity and holding to account those responsible for the most serious crimes of concern to the international community.

Ending impunity is also essential to ensuring sustainable peace, justice, truth and reconciliation and to upholding the rights and interests of victims and the well-being of society at large.

When national authorities fail to take the steps necessary to ensure accountability, the international community should play a more proactive role in order to ensure an appropriate response, including through the establishment of ad hoc tribunals, international commissions of inquiry and fact-finding missions.

It is also essential to emphasize the role of the relevant humanitarian mandates in ensuring that all armed conflict situations receive the due attention of the international community. Commitments to protection efforts must be free of selectivity and politically motivated approaches and preferences.

As stated at the recent Global Conference on Reclaiming the Protection of Civilians under International Humanitarian Law, held in Oslo, States should use leverage, individually or collectively, to rally the cause of addressing non-compliance with international humanitarian law — for instance, by exerting diplomatic pressure through public denunciation of non-compliance or by naming and shaming parties operating in violation of their international obligations.

That approach could be equally applied in situations involving national authorities that are unwilling to investigate and prosecute serious violations of international humanitarian and human rights law. Furthermore, conflict resolution initiatives considered by the Security Council and regional arrangements must ensure that peace and justice work together effectively.

It is important that the Council, Member States and regional organizations ensure that mediators and envoys in mediation, peace and preventive diplomacy processes contribute to ensuring accountability, including by encouraging the parties concerned to envisage transnational justice and reparation clauses in peace agreements. It is essential that peace efforts and peace agreements under no circumstances encourage the acceptance of situations achieved by the unlawful use of force and other egregious violations of international law, such as war crimes, crimes against humanity, genocide and ethnic cleansing. Particular consideration must be given to implications for the protection of civilians in armed conflicts aggravated by population displacements and foreign military occupation.

It is important that the right of return, along with increased attention to its practical implementation and concrete measures aimed at overcoming obstacles that prevent return, be applied by the international community with more consistency and adherence to principles.

Parties to armed conflicts should take all the necessary measures to ensure rapid and unimpeded access by humanitarian actors to all those in need of protection and assistance. All efforts to that end must at all times be undertaken in line with the Charter of the United Nations, international law and basic humanitarian principles.

It is also important that the Security Council maintain its focus on the protection of civilians. As Azerbaijan will continue to support systematic discussions on the topic.

In conclusion, I would like to again commend the initiative of Argentina to convene this open debate and to advance this significant theme in the work of the Security Council.

Mr. Manzi (Rwanda): I would like to thank you, Madam President, and the Argentine delegation for convening this important open debate. I would like to express my thanks to Secretary-General Ban Ki-moon for his informative briefing. His presence here this morning is an affirmation of the importance of the topic we are addressing. I also would like to thank the Director for International Law and Cooperation of the International Committee of the Red Cross, Mr. Philip Spoerri; the High Commissioner for Human Rights, Ms. Navanathem Pillay; and the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Ms. Valerie Amos, for their respective briefings.

Our holding a debate on the topic of the protection of civilians in situations of armed conflict for the third time this year suggests its importance in the minds of Council members. The Security Council has shown interest in demonstrating that it takes violence against civilians seriously. It is indeed true that through a broad Security Council agenda, including human security, the Council's legitimacy and credibility hinges on its ability to act as a guarantor of civilian protection. We also note that considerable progress has been made since the first landmark resolution 1265 (1999) and resolution 1296 (2000) and through the increasing number of peacekeeping missions expressly mandated

to protect civilians. In addition, over the past 10 years, the Secretary-General has put forward more than 100 recommendations in successive reports to the Security Council on the protection of civilians.

Although it may sometimes seem like we are repeating ourselves, the cumulative effect is dramatic. We believe that with each repetition, the consensus on the issue of the protection of civilians grows stronger, and our language becomes clear and loud to the perpetrators of violations and abuses against civilian populations that they will be held accountable. With such optimism, the disparity between our well-intentioned discussions in the Council and the effects of armed conflicts on civilian populations calls for more action by the Security Council. There is certainly a clear need to translate formative commitments into concrete improvements in the protection of civilians on the ground.

In the Great Lakes region, for example, we unfortunately still have armed conflicts and roaming predators against the civilian population. The negative forces and other military groups, such as the Rwanda Defence Force, a genocidal force that consists of perpetrators of the 1994 genocide of Tutsi in Rwanda, continues to spread its genocidal ideological poison, not just in our neighbourhood but also through a worldwide network. Other groups, such as the Lord's Resistance Army and uncontrolled Séléka Coalition elements, continue to traumatize the population in the Democratic Republic of the Congo and the Central African Republic.

Those forces use civilians as human shields, abduct and maim, forcefully recruit children and continue to carry out sexual and gender-based violence against women and girls. Such genocidal ideologies and inhuman acts should not be accommodated anywhere in the world. The fighting between the Sudan and the Sudan People's Liberation Movement-North also continue to cause human terror and catastrophe in Southern Kordofan and Blue Nile states of the Sudan. The conflicts have caused displacement of persons with limited humanitarian access.

The crisis in Syria and the death toll there show the persistent failure of all sides to protect civilians and safeguard human life. Violations of international humanitarian law are causing civilian deaths, injuries and displacement.

What is evident from those few cases is that the Council is faced with implementation challenges to its existing normative framework on the protection of civilians in armed conflict. As Rwanda has stated, the Security Council's failure to exercise its responsibility to protect civilians is a stark reminder of its failure to protect the more than 1 million Tutsi massacred during the 1994 genocide in Rwanda.

Rwanda is of the view that the prevention of armed conflict is the surest way to prevent violations and abuses against civilians. Rwanda is playing its part through engagement at the international, regional and subregional levels in finding lasting solutions to conflicts and their root causes. We are fully engaged under the Pact on Security, Stability and Development in the Great Lakes Region. We are also party to the important instruments that came into force in 2012, namely, the African Charter on Democracy, Elections and Governance and the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, which are aimed at solving the root causes of conflict and protecting and assisting internally displaced persons (IDPs) in Africa.

We believe that the Council should take a more consistent and comprehensive approach to addressing the root causes of conflicts, including the establishment and operation of a comprehensive early-warning system for conflicts. In situations of armed conflict, while the primary responsibility of the protection of civilians rests with the State, we equally remind non-State actors and the United Nations, including peacekeepers and other humanitarian actors, to prioritize the protection of civilians. Rwanda therefore calls upon the parties to fully observe strict compliance with international law, to avoid targeting civilian objects, to stop militarizing camps and to allow access to humanitarian assistance.

As I learned from my experience in the 1994 genocide, Rwandan peacekeepers are contributing to the civilian protection requirements and are translating protection of civilian normative frameworks set by the Security Council to practise in the missions in which they are deployed. The Rwandan Defence Forces doctrine in peacekeeping is guided by the protection of civilian and extends to the determination to uphold the protection of civilians even in situations that may result in the loss of the lives of our men and women. In the African Union-United Nations Hybrid Mission in Darfur, for example, in some instances, Rwandan contingents patrolling IDP camps were attacked, which

in some cases resulted in death and injuries. Despite the losses incurred, the patrols were undeterred. Instead, the attacks increased the peacekeepers resolve and determination to protect IDPs, who remained under threat from armed elements. Together with other peacekeepers, Rwanda continues to help improve stability in areas of operation through creating a safe and secure environment for the distribution of humanitarian aid to IDPs. Through proactive patrols and community outreach, they have created confidence among the population and contributed to the peace process. In their efforts to reduce attacks on civilians, Rwandan peacekeepers have introduced new ways of protecting them that include limiting the need for civilians, particularly women and girls, to leave their communities in search of firewood, which increases the risk of attack in Darfur. Lastly, the Rwandan formed police unit deployed to the United Nations Stabilization Mission in Haiti is sharing Rwanda's home-grown initiatives in community policing and community service, all of which contributes to the protection of civilians.

With regarad to accountability for violations and abuse against civilians in armed conflicts, I wish to restate the four important peace proposals emphasized by our Minister for Foreign Affairs in her statement during the open debate on the protection of civilians in armed conflict held in February (see S/PV.6917). First, justice must be timely. Secondly, rendering justice to victims should be the only objective of accountability mechanisms. Political considerations should have no place. Thirdly, more careful attention should be paid to the principle of subsidiarity when choosing the most appropriate venue for judicial proceedings. Fourthly, the international community should increase the investment in strengthening national judicial capacities.

In conclusion, let me reiterate that overcoming the challenges facing the Council with regard to the protection of civilians requires enhanced cooperation and better coordination among the Security Council, other United Nations bodies and agencies, and regional and subregional organizations involved in peacekeeping, peacebuilding and humanitarian activities. We urge parties to armed conflict to exercise restraint in undertaking disproportionate attacks against civilian areas and to allow unrestricted humanitarian access, especially to the most vulnerable. All stakeholders, including United Nations agencies, peacekeepers and humanitarian agencies, should protect civilians and avoid politicizing humanitarian assistance.

Rwanda supports the fight against impunity and is ready to back Government actions that will lead to accountability for the perpetrators of violations and abuses against civilians populations.

Mr. Maes (Luxembourg) (*spoke in French*): Let me thank Argentina for organizing this open debate on the protection of civilians in armed conflict. Three months before the presentation of the next report of the Secretary-General on that subject, and six months after the adoption of presidential statement S/PRST/2013/2 in the framework of February's debate (see S/PV.69170), today's debate gives us an opportunity to undertake an interim assessment in the light of recent developments.

Luxembourg fully aligns itself with the statement to be made by the observer of the European Union.

The statements by the Secretary-General, the High Commissioner for Human Rights, the Emergency Relief Coordinator and the Director for International Law and Cooperation of the International Committee of the Red Cross — whom I thank for their statements — have shown that, unfortunately, a significant gap still exists between the commitments and obligations of States, on the one hand, and the often tragic situation on the ground, on the other.

Among the five challenges that the international community must address in order to improve the protection of civilians in armed conflict, five challenges that the Secretary-General highlighted in his 2012 report (S/2012/376), there is one that is particular urgent in our view in the light of recent developments. I am referring to improving humanitarian access, especially in the context of the Syrian conflict.

The statistics speak for themselves: since the beginning of the crisis, more than 100,000 people, mostly civilians, including many women and children, have been killed. Millions others find themselves in a disastrous humanitarian situation. We all know that an end to the crisis cannot come about until a political solution is found. But the millions of civilians who are trapped in the conflict cannot wait for a political solution. They need assistance, and they need it now. They don't just need assistance, they are entitled to it in the light of the most basic humanitarian criteria codified in international humanitarian law.

Immediate, free and unimpeded access is essential to reach the people in need who everyday are more and more dependent upon humanitarian aid from outside. The issue of access, which is very sensitive, must not be compromised in any way.

However, humanitarian actors, including United Nations agencies, encounter numerous bureaucratic obstacles on a daily basis. The conditions for granting humanitarian visas are done in an arbitrary manner. Checkpoints are increasing. Convoys are ordered to surrender medical supplies. Equipment intended for humanitarian purposes — armoured vehicles, surgical equipment and communication tools, to mention but a few — are systematically held up in customs.

Those are just a few of the unacceptable elements that tend to limit or prevent humanitarian assistance to the Syrian populations who are suffering. It is urgent that Syria respond to the demands of humanitarian players and facilitate immediate, free and unimpeded access to the affected populations through the most effective channels, including through the front lines and across borders.

When we speak about the protection of civilians, we are led inexorably to raise the issue of the responsibility to respect and to ensure respect for international law. The application of international humanitarian law is the best guarantee for the protection of civilians. A strong commitment by States is required in that regard, which can be shown in particular through the ratification of existing international instruments. I would encourage all States that have not yet done so to become parties to the two main additional protocols to the Geneva Conventions, but also to other relevant instruments, such as the Optional Protocol to the Convention on the Rights of the Child with regard to children in armed conflict. With regard to non-State actors that are not parties to international legal instruments, it is important that they also be engaged, and in a stronger way. In that context, I would like to mention the example of two armed groups in Nepal and in Sri Lanka, respectively, that have signed and implemented action plans for children in times of armed conflict. Thanks to that commitment, an end was put to the recruitment and the use of children by those armed groups.

We believe in the virtues of persuasion. However, it has to be said that violations of international humanitarian law are taking place despite all the commitments that have been taken. Holding the perpetrators accountable for their actions is vital in many ways. First, a strong message would be sent to all violators to show that no crime will go unpunished. That dissuasive and preventive aspect of justice is important. In that context, I would like to note the important role played by the International Criminal Court, a role that was recently recognized by the Council, and I welcome that fact. Luxembourg has, since january, called for the situation in Syria to be referred to the Court.

Secondly, when we are unable to eliminate the suffering of victims, justice may provide moral compensation for the harm suffered. Allow me, however, to insist on a third element to be taken into account. That is the issue of reparations to allow injured parties to start new lives. That too be addressed. Many opportunities exist at the national and international levels provided that such projects are adequately funded. It is important that we mobilize more in that regard.

On the anniversary of the attack against the United Nations headquarters in Baghdad, which claimed the lives of 22 people and wounded many others, I would like to conclude by joining colleagues before me in paying homage to the men and women of the United Nations who, day after day, put the protection of civilians at the centre of their action, sometimes risking their own lives.

Mr. Lamek (France) (*spoke in French*): Today we mark the tenth anniversary of the attack against the Canal Hotel. Mr. Sergio Vieira de Mello, Special Representative of the Secretary-General, lost his life there, as did 21 other United Nations staff. Like preceding speakers have done, I too would like to pay tribute to all of those who have fallen in the service of the United Nations and to express my condolences to their bereaved families and friends.

I thank the Secretary-General and the various speakers for their presentations today. France aligns itself with the statements to be made by the observer of the European Union and the representative of Switzerland on behalf of the Group of Friends on the Protection of Civilians.

The protection of civilians requires unwavering attention on the part of the Security Council and must be at the core of its activities. The Council has a role to play in ensuring respect for international law by the parties to a conflict. While the primary responsibility for protecting civilians lies with States, the Council and

the international community have a vital role to play to ensure that States and non-State armed groups do not shirk their obligations. Civilians are the main victims of armed violence, totalling roughly half a million deaths per year.

The Arms Trade Treaty, which has to date been signed by 82 States, represents real progress in that respect. Once it has entered into force, the Treaty will ensure that States are held accountable and ensure that arms transfers no longer contribute to the commission of atrocities. That is more than ever necessary because we have seen that on the ground indiscriminate attacks against civilians and targeted attacks against humanitarian workers have become increasingly frequent. We note that the humanitarian domain is no longer a safe haven and that the number of obstacles to humanitarian access has increased.

That is the case in Syria in particular, where the regime is systematically denying access to civilian populations in areas besieged by it as long as combat is ongoing, in flagrant violation of international humanitarian law. Here I am thinking in particular of the civilians trapped in Qusayr and in the old city of Homs. Across the country, despite the fact that the number of people in need is increasing day by day, totalling more than 6.8 million, the Syrian authorities continue to refuse access by humanitarian actors to all those in need.

The Government continues to place bureaucratic obstacles in the way of the work of humanitarian actors. Visas are not issued, and the number of non-governmental organizations authorized to act are too few. The Government's requirements for the delivery of aid are increasingly numerous, and attacks against humanitarian and medical personnel are a constant threat. Several members of the Syrian Arab Red Crescent have been killed. Ambulances and hospitals, along with their staff, have become targets.

That is also the case in the Sudan, where access to the civilian population remains difficult, if not impossible, for humanitarian actors. There are a growing number of obstacles, in spite of the appeals made by the Council for 10 years now, because blocking humanitarian aid has become somewhat of a Government strategy.

Such arbitrary denials of access prevent lives from being saved and compound the numerous violations of international humanitarian law. We must put an end to this arbitrary and appalling trend. The Council has the tools to do so and must not hesitate to use them.

The Security Council must be able to react quickly to put an end to situations where civilians are threatened.

That is the case in the Democratic Republic of Congo, where the Council provided the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) with a robust mandate to support the national authorities in combating the numerous violations of human rights committed in the eastern part of the country, in particular sexual violence.

The protection of civilians is a fundamental aspect of MONUSCO's mandate. In the context of the Framework agreement signed in Addis Ababa, resolution 2098 (2013) is aimed at providing heads of mission all means necessary to ensure the protection of civilian populations threatened by non-State armed actors. It also authorizes the deployment of an Intervention Brigade that can carry out offensive actions against such groups. MONUSCO is also tasked with supporting and coordinating efforts in the area of security sector reform, so as to enable the Democratic Republic of the Congo to ensure, as soon as possible, the protection of civilians with its own rapid-reaction forces.

In Mali, the intervention of French forces made it possible to put an end to the attacks carried out by terrorist groups that were threatening Bamako. The Council followed up by authorizing the deployment of the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), whose robust mandate for the protection of civilians allowed for the stabilization of the country and the holding of presidential elections under good conditions. We must now continue our efforts to support national reconciliation in Mali so that the country can finally find lasting peace.

In South Sudan, the mandate of the United Nations Mission in South Sudan (UNMISS) to protect civilians is more important than ever, as sectarian violence has led to the displacement of more than 70,000 people since January. That is a major concern, especially in *Jonglei state, where violence has led to the deaths of* hundreds of people.

Finally, we must also take action in the Central African Republic. As we heard in the Council some

days ago, the security and humanitarian situation in that country is dire and violations of human rights widespread. Civilians are the main victims. We must stop the crisis from worsening or the Central African Republic could become a source of instability in the heart of Africa. The Council must therefore support the efforts of the African Union, which decided in July to deploy a strengthened stabilization mission. We must also strengthen the mandate of the United Nations Integrated Peacebuilding Office in the Central African Republic so as to provide it with the means to shed light on human rights violations committed throughout the country. Human rights observers must also be deployed.

Allow me in conclusion to underscore that the Council's reaction must also include actions to fight impunity for those who perpetrate acts of violence against civilians. Justice is required for lasting peace, the reweaving of the social fabric and reconciliation among communities. In Darfur and Libya, the Council did what it had to do by referring the atrocities committed to the International Criminal Court. Despite the obstacles in its path, the Court remains the guarantee of effective and impartial justice. That should be the case in Syria as well today.

For more than two years now, turning a deaf ear to the international community's appeals, Bashar Al-Assad has been murdering his people. More than 100,000 people have died, mostly civilians. Given the seeming impunity reigning in the country today, the Council must send a clear message to the effect that those responsible for war crimes and crimes against humanity will be brought to justice. The Syrian National Coalition has taken a stance in favour of a referral to the ICC; we should take it at its word and seriously consider the possibility of a referral to the ICC that would finally neutralize the perpetrators of crimes in Syria.

Mr. Rosenthal (Guatemala) (*spoke in Spanish*): We thank the delegation of Argentina for having convened this open debate under your presidency, partly to mark World Humanitarian Day and also to commemorate the events that took place exactly 10 years in Baghdad, when 22 members of the Secretariat made the ultimate sacrifice while pursuing the noble humanitarian mission of the United Nations.

We would also like to thank you, Madam President, for the concept note (S/2013/447) circulated by your delegation, which contains valuable guidance for today's debate. We are also grateful to the Secretary-General, Mr. Ban Ki-moon, as well as to Navi Pillay, Valerie Amos and Philip Spoerri for their respective presentations.

This is the third time this year that we have addressed the issue of the protection of civilians in armed conflict. We expressed our views during the debates held on 12 February and 17 July (see S/PV.6917 and S/PV.7003). We do not wish to reiterate the points made in those statements, and there have been no major changes in the situation on the ground to date, with the exception of the signing of the Arms Trade Treaty. We will therefore limit ourselves on this occasion to make some observations concerning the questions raised in the concept note.

The starting point of the note focuses on shortcomings in the protection of civilians since the Security Council adopted its pioneering resolution 1265 (1999). That point is reflected in the key phrase contained in the most recent report of the Secretary-General (S/2012/376) and quoted in the concept note, which describes the situation of the protection of civilians as "abysmal". We would do well, then, to ask ourselves collectively, "Why?"

One first, obvious answer lies in the serious shortcomings of the Governments of the countries in conflict, which frequently do not have the political will or the institutional or organizational capacity to fulfil their primary responsibility to ensure security and the right to life for their own civilian populations. Clearly, United Nations contingents cannot replace the State in the fulfilment of such a basic commitment, although they can sometimes contribute to mitigating the situation.

In addition, we have specific cases on the agenda of the Council where States, far from helping humanitarian aid reach the victims, prevent it from doing so. By the same token, those States, instead of respecting the norms of international humanitarian law and human rights law, are deliberately violating them. It is for that reason that, together with the palliative work of the peacekeeping operations, a greater complementary effort in capacity-building is needed, both for State and non-State institutions. In that regard, there is a crucial role for the United Nations Development Programme and the multilateral financial institutions. Furthermore, we believe that the norms of international humanitarian law must continually be analysed in the light of new circumstances or difficulties that arise in the field.

A second serious failure can be attributed to militias and rebel groups revolting against national Governments, which is a subject of extraordinary complexity. We know relatively little about how to encourage such diverse groups — the majority of which are anarchical in nature — to comply with international norms regarding the protection of civilians, especially the most vulnerable civilians. We have cases on our agenda in which not only did the States fail to fulfil their most basic responsibility, but the armed rebel groups have also committed mass atrocities against civilian populations.

Although we usually include in our statements and resolutions language demanding that the perpetrators of such acts be held accountable before justice, that rarely occurs. For our part, we have firmly supported not only the rigorous observance of international humanitarian law and human rights, but have aiso insisted on the particular usefulness of the Rome Statute and the International Criminal Court in holding individuals and collective groups accountable in certain cases. In the same sense, we value the mechanism of the independent international commissions of inquiry established by the Human Rights Council.

The third failure in enhancing the protection of civilians in armed conflict situations can be found within the Security Council. A joint investigation by the Office for the Coordination of Humanitarian Affairs and the Department of Peacekeeping Operations criticized the Council for not having offered clearer and more detailed guidance that would have enhanced the United Nations capacity to offer effective protection to civilian populations and develop local capacities to make its own role transitory. Furthermore, when we have not achieved consensus on a clear path of action, as is the case with the Syrian Arab Republic, the humanitarian consequences have been catastrophic. We believe that we ourselves carry the burden of responsibility for that flagrant failure to protect innocent civilians, including women and children.

Finally, I would like to say that the use of modern technology, such as drones and remotely operated weapons, complicates efforts to implement the fundamental norms of international humanitarian law concerning the distinction between combatants and non-combatants or civilians. It also complicates the issue of proportionality in asymmetric conflicts, in which forces that are very unequal in terms of military or technological capacity are deployed. And it hampers the precautions that must be taken, in choosing the means and methods of attack, so as to ensure that all feasible measures are employed to avoid or at least reduce the number of dead and wounded among the civilian population.

In conclusion, almost 15 years have passed since our peacekeeping operations were first charged with the protection of civilians. Missions have increasingly been charged with such tasks in situations of armed conflict that, more often than not, pit Governments against non-State armed groups from their own civilian populations, or in States that are experiencing inter-ethnic or inter-communal conflicts. Apparently, the rich trove of lessons learned from that diverse collection of experiences has not been translated into corresponding improvements in our performance in the field. In addition, we have doubts as to whether the most recent innovations aimed at focusing missions on the imposition of peace will improve or worsen the situation. In any case, we have a robust arsenal of instruments and policies at our disposal that, at very least, has the potential of improving our performance in the matter of protection of civilians.

Mrs. DiCarlo (United States of America): Thank you, Madam President, for your presence and for convening this debate on the protections of civilians in armed conflict, an issue at the heart of the Security Council's charge to maintain international peace and security.

First, I would like to join the Secretary-General, the briefers and Council colleagues in paying tribute to fallen United Nations personnel and humanitarian workers on World Humanitarian Day and the tenth anniversary of the Canal Hotel bombing in Baghdad. We owe humanitarian workers our deep gratitude for the work they do and the risks they take.

I would also like to thank the Secretary-General, United Nations High Commissioner for Human Rights Pillay, Under-Secretary-General Amos and International Committee of the Red Cross Director Spoerri for focusing our attention today on the many challenges facing civilians caught or targeted in conflicts.

We see the horrific consequences when access to those in need is blocked, as in Syria, when the Government's armed forces and armed rebel groups traumatize civilian populations, as in the Democratic Republic of the Congo, and when impunity prevails and

the perpetrators of atrocities are not held accountable, as in the Central African Republic. Those devastating situations are particularly acute when community leaders, journalists, activists, religious figures and scholars are targeted for the critical work they do to sound the alarm, protect the vulnerable and foster peace and reconciliation.

Today's discussion is of great importance to the United States. We have made the protection of civilians a priority, and indeed President Obama has made it clear that, for the United States, the deterrence of genocide in atrocities is a core national security interest and core moral responsibility. Too often, warring parties fall short or blatantly disregard their obligations altogether. In truly appalling cases, including the ongoing tragedies in Syria and the Sudan, parties to armed conflict deliberately target civilians. It is clear that we must strengthen our commitment in the three key areas that Argentina has rightly highlighted for this debate, that is, enhancing compliance with international humanitarian law, improving humanitarian access to areas in conflict and ensuring effective accountability mechanisms for suspected war crimes.

Despite a strong body of international humanitarian law dedicated to protecting civilian populations in armed conflict, the Secretary-General notes that most victims in recent armed conflicts have been civilians. In Syria, more than 100,000 people have tragically lost their lives. Among them are innocent civilians, including women and children, who should have been safe from violence. We must use the tools at hand to improve compliance with international humanitarian law in order to prevent the loss of innocent lives. In the context of the Council's work, that means supporting and advancing the tools we have, including action plans for children in armed conflict and the naming and shaming of perpetrators of sexual violence. It also means supporting the work of organizations such as the International Committee of the Red Cross, which helps to promote compliance with international humanitarian law and respect for legal and moral norms. And for each of our Governments it means raising awareness, especially through military training about international humanitarian law and supporting the work of internal accountability mechanisms in our own Governments and in those of other countries to which we offer assistance. That is why the international community's military training work, including in countries such as Afghanistan, is a critical component in fostering international peace and security while also ensuring the protection of civilians.

Humanitarian access is critical to protecting civilians. Timely, full and unimpeded humanitarian access to populations in need of assistance must be a top priority for everyone. That is as true in Syria as it is in the Sudan, where millions of vulnerable civilians lack access to food, water, shelter and medicine. In addition to access, personnel engaged in humanitarian activities should be free from targeting and attack. As we have heard today, attacks on humanitarian personnel have continued unabated around the world. Attacks like the one on the United Nations compound in Mogadishu in June prevent humanitarian agencies from undertaking their lifesaving work and should be condemned wherever and whenever they are committed.

Finally, without accountability, the cycles of violence continue. The United States strongly rejects impunity and supports the international community's efforts to foster stability and sustainable peace through justice. In that regard, we have worked with national authorities to strengthen domestic judicial systems in conflict and post-conflict situations, including by funding military justice efforts in the eastern part of the Democratic Republic of the Congo, where rebel groups and the military have used rape as a weapon of war, among other atrocities. We have also strongly supported international justice mechanisms and endorsed efforts to expose and document human-rights abuses, including through international tribunals and commissions. In Syria, the United States is helping Syrians prepare for accountability by supporting the documentation of violations committed by all sides in the conflict and bolstering the capacity of civil society organizations to build the foundations for lasting peace. In addition, we cooperate with the International Criminal Court (ICC) on its current cases, consistent with United States law and policy, including through the recent expansion of our rewards-for-justice programme to include foreign nationals indicted by international criminal tribunals, including the ICC.

As we have seen from Syria and the Sudan to the Sahel and the Great Lakes, the failure to protect civilians threatens regional stability, as conflicts escalate and populations stream across borders. Protecting civilians is the primary responsibility of States, but it is clear that the international community must keep its attention focused sharply on the practical steps we can take to improve the protection of civilians in armed conflict.

We must redouble our efforts to ensure that the Council is not sitting on the sidelines when civilian populations are in grave danger.

Mr. Wang Min (China) (*spoke in Chinese*): China appreciates Argentina's initiative in holding this open debate on the protection of civilians in armed conflict. We welcome Ambassador Ruiz Cerutti as she presides over today's meeting, and we would like to thank Secretary-General Ban Ki-moon, United Nations High Commissioner for Human Rights Pillay and Under-Secretary-General Valerie Amos for their briefings. We also listened attentively to the statement by Mr. Spoerri, the Director from the International Committee of the Red Cross.

Civilians are the primary victims of wars and armed conflicts. In the recent past the international community has made enormous efforts to protect civilians from the scourge of such wars and conflicts, and the Council has adopted numerous resolutions and issued many presidential statements establishing mechanisms and frameworks aimed at effectively protecting civilians in conflicts, particularly women and children. China supports the Council's efforts to conduct in-depth and extensive discussions on the topic of the protection of civilians in armed conflict in order to respond comprehensively to the major challenges to that protection. We would like to underscore the following four points.

First, national Governments should bear the primary responsibility for protecting their own civilians. All parties to an armed conflict should abide by international humanitarian law and other relevant international laws, as well as by the resolutions of the Security Council, and should fulfil their obligations to protect civilians. While the international community can render constructive assistance, it cannot replace the responsibility of national Governments and the parties to conflicts. In prosecuting and punishing actions that violate human rights and contravene international humanitarian law, and in upholding justice, it is essential that the major focus be on making full use of domestic judicial systems as the primary channel for such efforts.

Secondly, in discharging the responsibility to protect civilians, it is essential that the purposes and principles of the Charter of the United Nations be strictly complied with, particularly those concerning respect for national sovereignty, unity and territorial integrity. Operations relating to the protection of civilian should be established by the Council and focus on working towards early ceasefires and solving disputes by peaceful means, such as dialogue and negotiations; they should not be conducted for any political motives or purposes. With regard to the protection of civilians, the Council should give equal attention to all situations on its agenda and adopt an equitable, fair and consistent position.

Thirdly, in order to carry out humanitarian relief operations to protect civilians, it is essential that the principles of humanitarian neutrality, fairness and independence be observed, while showing respect for the sovereignty of host countries. Only by winning their support and mitigating resistance on the part of the parties to the conflict can relief operations be effectively established. At the same time, the parties to the conflict should go out of their way to ensure that civilians have timely and effective access to humanitarian relief by improving the humanitarian situation in conflict-affected areas.

Fourthly, the key to strengthening the protection of civilians in armed conflict is preventing and settling those armed conflicts. The Council should actively conduct preventive diplomacy by urging the parties to conflicts to resolve their differences through dialogue, negotiations and other peaceful means in order to achieve a political settlement and minimize human casualties. Deploying peacekeeping operations cannot be a fundamental solution to the problem of protecting civilians. The Council's focus should be on helping host countries to strengthen their security and justice sectors and improve their ability to protect civilians.

The President (*spoke in Spanish*): I shall now make a statement in my capacity as representative of Argentina.

At the outset, I would like to recognize, as others have done before me, that today we are commemorating World Humanitarian Day, and Argentina would like to pay tribute to those who have given their lives while helping others. I would also like to thank the Secretary-General; the United Nations High Commissioner for Human Rights, Ms. Navanethem Pillay; Ms. Valerie Amos, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator; and Mr. Philip Spoerri, Director for International Law and Cooperation of the International Committee of the Red Cross, for their participation in this meeting.

Argentina believes that it is necessary for the Security Council to remain committed to the protection of civilians in armed conflict by promoting full respect for international law, in particular humanitarian law, human rights law and refugee law, as well as by combating impunity.

In his most recent report (S/2012/376), the Secretary-General indicated that the situation of the protection of civilians was abysmal. Although we hope that the next report will show some positive change, the Council continues to receive information on situations where a lack of distinction between combatants and the civilian population has led to civilian deaths, injuries, displacement and to situations where there have been various obstacles to and attacks against access to humanitarian assistance.

In the light of that, it is imperative to recall the obligtions flowing from the four Geneva Conventions of 1949, its Additional Protocols of 1977, The Hague Conventions of 1899 and 1907, human rights law and refugee law, as well as those derived from customary international law. It is also necessary to transform obligations into tangible improvements on the ground. In that regard, I would like to highlight the following points.

The first basic challenge is to promote adherence to norms. Last May, Norway, in cooperation with Argentina and other countries, organized a global conference on the protection of civilians under international humanitarian law that included 300 participants and 94 States. The conclusions of the Oslo Conference are in line with those contained in the Secretary-General's latest report regarding the need to ensure that States and parties to an armed conflict comply with international humanitarian law.

In that regard, it is important that States remain committed to the dissemination of international humanitarian law. In Argentina, international humanitarian law has become a salient part of international law within the curriculums of several law schools and in training courses for the armed forces. In addition, one of the workshops organized in the framework of the Oslo Conference took place in Buenos Aires in 2011. It is important to highlight that one of the objectives of those workshops was to promote, through practical recommendations, the need to comply with international humanitarian law.

It is also necessary to ensure that States comply with international human rights and refugee law since, regardless of whether an armed conflict exists, States must respect all legal norms aimed at the protection of civilians.

In terms of actions by the Security Council, Argentina would like to highlight the need for peacekeeping operations to abide by international humanitarian law. In that regard, we recall the Secretary-General's bulletin (ST/SGB/1999/13)on the observance of international humanitarian law by United Nations forces. It is also necessary to continue to include protection activities in the mandates of United Nations missions in the field, that those are developed clearly and that such missions are given all the necessary resources in a timely and effective manner.

Argentina, in cooperation with the International Committee of the Red Cross, has developed training courses for the armed forces with a particular emphasis on Argentine forces in United Nations peacekeeping operations. In addition, Argentina's commission on the application of international humanitarian law has compiled a manual on international law in the context of armed conflict for the conduct on how the armed forces should conduct themselves in such situations, in line with the norms of international humanitarian law.

With regard to humanitarian assistance, parties to a conflict must do everything they can to ensure effective and timely access to humanitarian assistance, including cargo and materials. Under international humanitarian law such assistance enjoys special protection. We are therefore extremely concerned to hear about cases of bureaucratic red tape in accessing humanitarian asisstance or stories of it merely being rejected.

Fact-finding is also crucial. Impartial mechanisms are essential for investigating facts on violations of international humanitarian law and human rights laws. In addition to possible ad hoc fact-finding commissions, including those established by the Human Rights Council, we also have the International Humanitarian Fact-Finding Commission, provided for by Protocol I to the 1949 Geneva Conventions. Let me highlight that, in resolution 1894 (2009) and presidential statement (S/PRST/2013/2), the Council acknowledged the possibility of resorting to the Commision.

Moreover, Argentina recognizes the fundamental importance of strengthening mechanisms for accountability for those responsible of commiting

atrocities. Due to its tragic experiences in the 1970s, following the restoration of democracy in 1983, successive Governments in my country have adopted important measures aimed at ensuring accountability for the violations of human rights that took place during the dictatorship. Over the past decade, many judicial cases have been reopened throughout the country and, to date, 1,053 people have been prosecuted, of whom 475 have already been tried in accordance with the guarantees of due process set out in our national Constitution. Of those, 430 people have been sentenced and 45 were acquitted.

As for the international community, the Council has established two ad hoc international tribunals. Today we have an international justice system for the most serious crimes, with a permanent tribunal at its centre, the International Criminal Court established by the Rome Statute of 1998. Argentina firmly supported its establishment and has been a party to the Statute since 2001.

Due to the fact that the primary responsibility to prosecute lies with States, it is important that parties to the Rome Statute adopt the relevant norms for that purpose. In 2006, Argentina enacted a law to implement the Rome Statute. The law characterizes the acts that the Rome Statute has criminalized and establishes a regime for judicial cooperation with the Court, including handing over indictees, judicial assistance and the carrying out of sentences.

It is crucial for all States to cooperate with the Court, particularly with regard to arrest warrants. The Council, which committed to provide close follow-up to referrals to the International Criminal Court in its presidental statement S/PRST/2013/2) should put in place a mechanism to that end as soon as possible.

I would like to conclude by reiterating that, under international humanitarian law and the resolutions of the Council, attacks of any kind directed against civilians or other protected persons, as well as the recuitment of child soldiers and obstacles to humanitarian assistance, constitute violations of international law.

Finally, once again, I would like to urge full respect for obligations arising from The Hague Conventions of 1899 and 1907, the four Geneva Conventions of 1949 and their Additional Protocols of 1977, international human rights law, refugee law and the decisions of the Security Council.

I now resume my functions as President of the Council.

Given the large number of speakers, I should like to inform participants that I will not suspend this open debate for a lunch break. For the same reason, I ask that speakers limit their statements to a maximum of four to five minutes in order for the Council to carry out its work expeditiously. Delegations with lengthy texts are asked to kindly distribute their statements in writing and to deliver a condensed version in the Chamber.

I now give the floor to the representative of Brazil.

Mrs. Dunlop (Brazil) (*spoke in Spanish*): I commend Argentina for having convened today's debate on the protection of civilians in armed conflict.

(*spoke in English*)

I thank the Secretary-General for his informative briefing, as well as High Commissioner Navi Pillay, Under-Secretary-General Valerie Amos and Mr. Philip Spoerri for their comments.

Brazil associates itself with the statement to be delivered by the representative of Switzerland on behalf of the Group of Friends on the Protection of Civilians in Armed Conflict.

Today, we commemorate the tenth anniversary of the Baghdad bombing and the tragic death of Sergio Vieira de Mello and other United Nations officials, a fitting occasion for the Council to look at the challenges ahead in its efforts to protect civilians under threat of violence. Also today, the Brazilian Government is hosting a seminar entitled "Ten Years Without Sergio Vieira de Mello" in Rio de Janeiro. The event honours Sergio and his work and addresses key aspects of the international humanitarian agenda.

As we have heard in several interventions today, the effective and timely protection of civilians in armed conflict remains a critical challenge. A United Nations firmly committed to, and demonstrably effective in, protecting civilians in situations of conflict has become a clear and global demand. It is our collective responsibility to satisfactorily respond to that demand. It is also our collective responsibility to do so in a manner that reinforces the moral authority and political legitimacy of the Organization, which requires ensuring that our protection policies, strategies and decisions are strongly anchored in international law and that they are truly universal and non-selective in scope and free

from any undue politicization. Any failure on our part to do so is detrimental to the very civilians we all want to protect. The Security Council has a pivotal role to play in our meeting both grave responsibilities.

The Council also has the responsibility to continue to call for conflict prevention. As humanitarian and human tragedies of the past 20 years have clearly shown, it is quite difficult to stop violence against civilians when conflict has broken out. Putting the evil genie of carnage back in the bottle is often a very tall order, and if and when it is finally done, the death toll may be simply terrifying. Therefore, we must repeat that the most effective strategy for protecting civilians is prevention.

Protection includes the promotion of sustainable development, social inclusion and food and nutritional security, as they contribute to conflict prevention in many parts of the world. We must translate the political agreement on the interdependence between security and development into comprehensive prevention strategies, in full respect of the different competencies of the United Nations organs and agencies.

None of that is novel, but it must be repeated, as there remain voices that continue to establish an almost automatic link between the protection of civilians and the use of force. As the Council will recall, the concept of "responsibility while protecting" underlines the fact that the use of force, even when its declared goal is to protect civilians, often results in high human and material costs, frequently contributing to the deterioration of the situation of those such force sought to protect. The use of force must truly be a measure of last resort.

That is clear in the case of Syria, for instance. The external supply of weapons will only lead to further bloodshed — and not to peace, as a deeply flawed argument being made by some would have us believe. The supply of arms feeds the mistaken belief that there is a military solution to the conflict. We continue to firmly support the holding of a second Geneva Conference so as to advance peace and therefore put an end to violence against civilians.

Similar reasoning applies to the situation in the Democratic Republic of the Congo. As Brazilian Foreign Minister Patriota recently stated in the Council, the military component of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo must be part of a political strategy. What will truly protect the Congolese people is dialogue and peace.

That is true also in the occupied Palestinian territories, where for far too long civilians have been affected by violence, including from settlers. Only peace and the end of occupation will ensure their protection. We firmly hope that the recent resumption of direct final status negotiations will help the parties to move forward towards such a goal for the benefit of civilians.

The escalation of violence against civilians demonstrating in Egypt is a source of grave concern. Brazil has condemned the brutality of the repression and associates itself with the statements made by the Secretary-General and representatives of the African Union. We call for dialogue and conciliation so that the legitimate aspirations of the Egyptian people for freedom, democracy and prosperity can be achieved without violence, with respect for human rights and with the full restoration of democratic order.

Ensuring humanitarian access is a political and moral imperative. It is essential that the parties to conflict allow and facilitate the immediate, safe, full and unimpeded passage of humanitarian relief for all civilians in need of assistance. Just as important is strict respect for the principles of humanity, impartiality, neutrality and independence, as provided for by the General Assembly, especially because that is the most effective manner for access to civilians in need to actually be achieved.

Enhancing accountability for violations of international humanitarian law and human rights law is also a key part of our efforts to protect civilians, including as a preventive measure, as impunity often feeds further violence. At the same time, in each specific situation, we must continue to seek to reconcile the imperatives of peace and justice, with a view, first and foremost, to stopping violence and saving lives that are threatened by violence. We must avoid both automatic gestures and impunity.

In conclusion, I am confident that the combination of idealism and realism that characterized Sergio Vieira de Mello's life can serve as a model for us as we address the challenges involved in protecting civilians. Brazil remains ready to work with other States Members of the United Nations as well as the Organization itself in that regard.

The President (*spoke in Spanish*): I now give the floor to the representative of Liechtenstein.

Mr. Barriga (Liechtenstein): At the outset, my delegation would also like to join others in paying tribute to all those who have lost their lives or suffered injury while working for the United Nations. In particular, we would like to pay tribute to Mr. Sergio Vieira de Mello.

We welcome the increased attention given to the issue of the protection of civilians, as evidenced by the process leading to the Oslo Conference and the recent thematic work of the Security Council. The presidential statement adopted in February (S/PRST/2013/2) sent a strong message, especially with respect to both the need to fight impunity and the role of the International Criminal Court. We were also pleased to see that the Council recognized the importance of ensuring access for and protection of peacekeepers, humanitarian and medical personnel.

As highlighted by the Secretary-General in his most recent report (S/2012/376), we have come far in identifying responsibilities, achievements, needs and shortcomings in the field of protecting civilians in armed conflict. But in many conflicts around the world, we need concrete action on the ground to avoid civilian suffering and casualties. All parties to a conflict, including State and non-State actors, must ensure that their forces respect international humanitarian law and that they are trained to do so. They must strictly respect the principles of distinction and proportionality and they must in particular avoid the use of explosive force in densely populated areas. Swift and unhindered access for humanitarian actors must be guaranteed, and not arbitrarily denied. Third States should refrain from contributing to civilian suffering, inter alia, by prohibiting arms transfers that pose a significant risk of international humanitarian law violations.

The safety of humanitarian workers is of particular concern. We call on all States that have not yet done so to ratify the 1994 Convention on the Safety of United Nations and Associated Personnel and its 2005 Optional Protocol.

We also recall that attacks on humanitarian workers may constitute a war crime under article 8(2)(e)(iii), of the Rome Statute of the International Criminal Court (ICC).

Where prevention fails, as is often the case, accountability becomes all the more important. It is an essential element of reconciliation and it helps prevent the recurrence of conflict. Accountability is first and foremost the responsibility of each State, but armed conflict frequently — almost automatically — leads to dysfunctional domestic justice systems. The ICC was designed to fill that void and to deliver justice and redress for victims. We therefore strongly encourage States that have not done so yet to join and to implement the Rome Statute.

The Security Council also has an important role to play, in particular by referring appropriate situations to the ICC and by promoting accountability at the domestic level. The Council should be ready to swiftly establish commissions of inquiry and fact-finding missions to jump-start accountability efforts, and it should be ready to effectively follow up on their outcomes. Where appropriate, the results of investigations mandated by the Human Rights Council should be brought to the attention of the Security Council for further action.

All of what I have mentioned applies to the current situation in Syria. There has rarely been a situation in the recent past where more serious crimes under international law have been committed at this scale and for such a long time without any response by the international community. Given the unwillingness and inability of the domestic legal system in Syria to investigate and prosecute the crimes committed, we have joined a total of 63 States that have called upon the Security Council to refer the situation in Syria to the ICC. Should the Council's failure to act upon that call continue, it may be incumbent upon the General Assembly to formally recommend that the Council to make such a referral.

We note that the Syrian National Coalition publically called for the referral and we welcome that commitment to obey the rule of law. We also encourage any future Government to submit the situation in Syria to the jurisdiction of the ICC, in accordance with article 12(3) of the Rome Statute.

The President (*spoke in Spanish*): I now give the floor to the representative of Japan.

Mr. Umemoto (Japan): At the outset, let me express my sincere congratulations to Argentina on its assumption of the presidency of the Security Council, and thank Ambassador Susana Ruiz Cerutti for holding this debate on the very important occasion of World Humanitarian Day. I would also like to thank His Excellency Secretary-General Ban Ki-moon; Ms. Valerie Amos,

Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator; Ms. Navanethem Pillay, High Commissioner for Human Rights, and Mr. Philip Spoerri, Director for International Law and Cooperation of the International Committee of the Red Cross, for their respective briefings.

Japan concurs and associates itself with the statement to be delivered by the representative of Switzerland on behalf of the Group of Friends on the Protection of Civilians in Armed Conflict.

Given that today is World Humanitarian Day, I would like to focus on the humanitarian aspect of the issues highlighted in the concept note prepared by Argentina (S/2013/477, annex).

Ten years ago today, the bombing of the United Nations headquarters in Baghdad claimed 22 precious lives. Today, the operational environment for humanitarian assistance has not improved; rather, on the contrary, it has become even more difficult. A large number of humanitarian personnel are working at grave personal risk. In addition to journalists, who were the focus of last month's open debate (see S/PV.6917), humanitarian and medical personnel are among the civilians to be protected in armed conflict. It is of grave concern that those personnel, who contribute to saving the lives of thousands of affected people, are facing increasing danger.

In addition to direct attacks against them, humanitarian personnel also experience difficulties accessing people in need of assistance. In particular, the arbitrary denial of humanitarian access, as pointed out in the latest report of the Secretary-General (S/2012/376), is a great concern. The denial or obstruction of rapid and unimpeded humanitarian access puts the lives of affected people at risk, and parties to conflict must bear in mind the consequences of such actions.

Those issues are related to the question of how to ensure accountability among parties to conflict. The international community has established various mechanisms, including fact-finding commissions, international tribunals and the International Criminal Court in order to ensure accountability. Furthermore, in paragraph 4 of resolution 1894 (2009), the Council reiterated

> "its willingness to respond to situations of armed conflict where civilians are being targeted or humanitarian assistance to civilians is being deliberately obstructed, including through the consideration of appropriate measures at the Security Council's disposal in accordance with the Charter of the United Nations".

In reality, however, the protection of civilians in armed conflict is becoming increasingly difficult in inverse proportion to the development of those very same norms and mechanisms. We must not only build tools to enforce accountability, but also analyse fundamental factors by which humanitarian assistance in armed conflict becomes perceived as adversarial by parties to conflict. In order to do so, we need to hear voices from the field where access is negotiated and humanitarian operations are launched, and discuss how norms and principles of civilian protection can be realistically met.

We hope that the next report of the Secretary-General, which is due in November, will also address such fundamental issues concerning the protection of civilians in armed conflict.

The President (*spoke in Spanish*): I now give the floor to the representative of Israel.

Mr. Prosor (Israel): Let me begin by congratulating you, Madam President, and the delegation of Argentina for your leadership of the Security Council this month.

Today marks the tenth anniversary of the bombing of the Baghdad headquarters of the United Nations Assistance Mission for Iraq, which claimed the lives of 22 people, including Sergio Vieira de Mello, United Nations High Commissioner for Human Rights.

Instead of defending victims of armed conflict, humanitarian personnel are themselves becoming victims. In the light of the recent attacks on United Nations personnel in Darfur, the Democratic Republic of the Congo and South Sudan, we must show zero tolerance to those who deliberately target United Nations and humanitarian workers.

Civilians continue to make up the vast majority of casualties in armed conflict. Human suffering anywhere should be the concern of men and women everywhere, but the responsibility rests with the international community.

Nobel laureate and humanitarian activist Elie Wiesel said that

> "Wherever men and women are persecuted because of their race, religion, or political views, that place

must — at that moment — become the centre of the universe."

Today, men and women are being persecuted in every corner of the world. The risk of mass killing has risen sharply in Libya and Mali, and the threat to civilians remains critical in the Central African Republic, Somalia and the Democratic Republic of the Congo.

But nowhere is the situation bleaker than in the Middle East — where nations gained their independence long ago, but many people did not. After years of stifling repression and brutal oppression, the people of the Middle East said: enough is enough. Millions have poured into the streets from Benghazi to Beirut and from Tehran to Tunis. They have raised their voices for liberty, for democracy and for opportunity.

By far, the worst instance has been Bashar Al-Assad's murderous campaign against the Syrian people. Day after day, there are reports of detentions and disappearances; of soldiers ordered to fire on civilians; and of people being kidnapped, beaten and tortured. From Hama to Houla, from Dar'a to Damascus, innocent people are being slaughtered.

In its June report, the Independent International Commission of Inquiry, which is investigating the hostilities in Syria, stated, "Crimes that shock the conscience have become a daily reality. Humanity has been the casualty of this war". The atrocities in Syria have been made possible by the backing that Al-Assad receives from Hizbullah. For months, the Hizbullah leader, Hassan Nasrallah, denied Hizbullah's involvement in the Syrian conflict. Today, the whole world knows that his guerillas are openly battling their fellow Arab Muslims in Syria and threatening to tip the fragile sectarian balance.

Nasrallah has repeatedly vowed to keep the murderous Al-Assad regime in power. This past Friday, he personally committed himself to fighting in Syria if necessary, saying, "If the battle requires me to go, I will go". Nasrallah has proven that he has no regard for the lives that have been lost, for the people who have been forced to flee, or for the untold suffering of the Syrian people.

The same disregard for human life is clear in Lebanon, where Hizbullah's arsenal has become larger than that of many NATO countries. And Hizbullah sees fit to store those weapons in homes, schools and hospitals. It would seem that the people of Lebanon are more valuable to Hizbullah as human shields than as human beings. Hizbullah is a ruthless terrorist group that is committing double war crimes by operating within civilian populations and directing attacks against them.

Before proclaiming his support for the Al-Assad regime, Nasrallah travelled to Iran to secure financial and military backing from Ayatollah Khamenei. We must not forget that the first non-violent protests were in the streets of Tehran, and the Iranian Government's response was to torture, detain and even kill peaceful protesters. Those Iranian protesters were human rights activists, former Government officials, clerics, students, professors, journalists and bloggers. For those who thought that Rouhani's election would be the dawn of a new Iran, take note. After taking office, the new President wasted no time expressing his support for Bashar Al-Assad.

Jewish tradition implores us to raise our eyes to see the needs of all humankind. As one of Judaism's greatest contemporary scholars and teachers, Rabbi Joseph Soloveitchik wrote,

> "We have always considered ourselves an inseparable part of humanity, ever ready to accept the responsibility implicit in human existence".

As a family of nations, our responsibility to one another stems from our common humanity. Our moral imperatives supersede whatever politics, religion or geography may divide us. From the deserts of Africa to the jungles of South America, we must stand together to ensure that people everywhere have freedom, opportunity and dignity.

The President (*spoke in Spanish*): I now give the floor to the representative of Malaysia.

Mr. Raja Zaib Shah (Malaysia): At the outset, I wish to congratulate you, Madam President, and the Argentine delegation on your assumption of the presidency of the Security Council for this month. I would also like to extend my sincere thanks to Secretary-General Ban Ki-moon for his views regarding the situation at hand. I also wish to thank Ms. Navi Pillay, High Commissioner for Human Rights; Ms. Valerie Amos, Under-Secretary for Humanitarian Affairs and Emergency Relief Coordinator; and Mr. Philip Spoerri, Director for International Law and Cooperation of the

International Committee of the Red Cross, for their statements and insights.

Since our debate in February (see S/PV.6917) the situation regarding the protection of civilians in armed conflict has shown no signs of improvement. In fact, it has worsened. The death toll of civilians in various armed conflicts around the world continues to rise at a rate that leaves Malaysia deeply concerned. The Secretary-General's report (S/2012/376) testifies to that. At the same time, the report reminds us of the need for us to work together to improve the status quo. For that reason, we welcome this debate, which could allow all of us to have a greater understanding of the various aspects of protecting civilians in armed conflict and to take the next steps forward.

Civilians in armed conflict should be accorded the necessary protection from being targeted indiscriminately. In that regard, all parties to an armed conflict should do their level best to distinguish civilians from combatants. While my delegation realizes that a distinction is not always easily made, an effort must be made to stop the unnecessary deaths among civilians. We understand that States bear the primary responsibility to protect civilians. Nevertheless, other parties, such as non-State armed groups, must also be obligated to ensure the safety of civilians, in accordance with international humanitarian and human rights laws.

In his report, the Secretary-General also highlights the need for all parties to ensure that greater access to humanitarian relief reach the vulnerable people who are caught in conflict. My delegation certainly shares that view. We also call on parties in conflict to accord the necessary protection to humanitarian workers in areas of armed conflict.

Malaysia acknowledges that accountability is an integral part of ensuring compliance by the parties to a conflict. On Impunity in that regard cannot and must not be tolerated. Those who target civilians and population centres must be made to realize that they have violated international law and, as such, must be held responsible and accountable for their actions. They must be brought to justice.

While we welcome political developments taking place in the Middle East peace process, the condition of civilians in the occupied Palestinian territory leaves much to be desired. Innocent Palestinians continue to suffer under the clutches of Israeli occupation. As the occupying Power, Israel has demonstrated its ignorance of the various articles of the Geneva Conventions and international law.

In its recent visit to the Middle East, the United Nations Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories underscored that Israel had continued to abuse detained Palestinian children. Israel has also continued to demolish Palestinian homes, in blatant violation of the Fourth Geneva Convention on the protection of civilians, including the protection of civilian objects. Needless to say, the condition of the Palestinian people in the occupied Territory continues to remain in a sorry state. Worse still is the situation in the Gaza Strip. The Israeli blockade of Gaza has continued to strangle the very livelihoods of the people. If we are serious about protecting civilians, the international community should act to bring an end to that illegal occupation.

Malaysia is also appalled at the number of civilian casualties as a result of the Syrian conflict. There must be an immediate end to the senseless killings and appalling human rights violations, especially against civilians. We are deeply concerned about the deteriorating humanitarian situation, including the delivery of humanitarian assistance to those in need.

My delegation also calls on other parties to the conflict to restrict themselves from employing heavy weapons and explosive munitions that have been known to inflict untold misery, deaths and injuries to civilians. As with the authorities, the parties should also attend to the needs of civilians and allow access to vital humanitarian aid. My delegation believes that the opportunity for a political solution led by the Syrian people still exists, and remains our only option for putting an end to the conflict.

The issue of protecting civilians in armed conflict is a multifaceted challenge. While States remain obliged to protect civilians from harm and the atrocities of conflict, other stakeholders, too, must do their utmost to ensure compliance with and adherence to international humanitarian and human-rights law. Malaysia upholds the importance of resolutions 1738 (2006), 1894 (2009) and 1910 (2010) for ensuring that civilians are protected during armed conflicts. The Council can rest assured that we will continue to do our part in that regard.

The President (*spoke in Spanish*): I now give the floor to the representative of Thailand.

Mr. Bamrungphong (Thailand): I would first like to thank Argentina for convening today's open debate on the important issue of the protection of civilians in armed conflict, and for the comprehensive concept note (S/2013/447, annex). I would also like to extend our special thanks to the Secretary-General, the United Nations High Commissioner for Human Rights and the Director for International Law and Cooperation of the International Committee of the Red Cross for their informative briefings.

The concept of the protection of civilians has a firm foundation in international humanitarian law. However, a shared understanding among all the actors involved is key to its successful implementation. Thailand hopes that this debate will provide us with an opportunity to better understand the concept and discuss how to translate it into effective action.

Killing, injuring or displacing innocent civilians in situations of armed conflict is unacceptable, particularly when they are deliberately targeted or subject to blatant violations of international human rights and humanitarian law. Thailand shares that concern and therefore supports the efforts of the Security Council and the international community to protect civilians. There will never be legitimate reasons for targeted attacks on civilians, but especially not when they are for strategic military or political purposes. Thailand calls on all parties to conflicts, including non-State armed groups, to strictly uphold international human-rights and humanitarian law and to implement all the relevant Security Council resolutions. The military code of conduct and the principles of distinction, proportionality and precaution in attacks must be respected at all times and in all circumstances. In order to ensure the safety of innocent populations, all parties to an armed conflict must refrain from using civilian premises.

However, we still regularly witness the violation of international law and universal principles. In order to combat such violations, the international community must send a strong message to those who commit violence against innocent people, especially the most vulnerable groups, and must hold them accountable. At the national level, Governments must raise awareness about respect for human rights and the protection of civilians, put in place human-rights mechanisms, strengthen judicial systems and institutions and incorporate international legal principles and the concept of the protection of civilians into the curriculums of military academies.

In situations of armed conflict, host Governments and all parties to a conflict must give particular attention to humanitarian assistance. Timely and unimpeded humanitarian access to affected civilian populations, regardless of their social, ethnic or political affiliations, is vital. It is essential that the international community and the United Nations explore every possible means of delivering aid effectively to affected areas. Host Governments must shorten lengthy customs procedures and work shoulder to shoulder with their partners, as well as make full use of civil society networks, in order to ensure that humanitarian supplies reach those in distress. At the same time, humanitarian work must be done in a transparent and neutral manner.

Thailand is also concerned about increasing casualties among humanitarian actors and the destruction of essential social facilities, particularly hospitals, school and drinking-water resources. Attacks on humanitarian actors and facilities are clear violations of international humanitarian law. They are unacceptable. Thailand calls on all parties to conflict to ensure that humanitarian personnel and their facilities are protected and their work facilitated.

Peacekeeping operations with a mandate to protect represent important tools for protecting civilians in armed conflicts. Peacekeepers must therefore be well trained, with a knowledge of international law and an understanding of other cultures. It is also important that peacekeepers have clear mandates, clear responsibilities, a clear chain of command and a clear code of conduct on the protection of civilians under specific circumstances, particularly when the use of force is necessary to ensure the mission's credibility and success. Predeployment training must focus on all such issues. The Council must also assess situations on the ground and review the scope of mission mandates on a regular basis.

No one should have to experience an armed conflict or continue to fall victim to them. The best way to protect civilians is to prevent conflict. I would therefore like to reiterate Thailand's continuing readiness to contribute and render all necessary support to international efforts to prevent conflict and promote the protection of civilians.

The President (*spoke in Spanish*): I now give the floor to the representative of the Syrian Arab Republic.

Mr. Falouh (Syrian Arab Republic) (*spoke in Arabic*): I would like to thank you, Madam President,

for organizing this important meeting. The protection of civilians from the effects of war is at the heart of international law. Experience shows us, unfortunately, that the protection of civilians in areas that are theatres of conflict and in difficulties is now being used selectively and as a tool to serve interests that run counter to the principles of international law. My delegation has seen the concept paper that was circulated for today's meeting (S/2013/447, annex), and would like to emphasize the following major points.

First and foremost, the protection of civilians from the horrors of war should mean ending armed conflicts by peaceful means. It therefore entails strict compliance with the principles of international law and the purposes and principles of the Charter of the United Nations, which include the principles of sovereignty and non-interference in the internal affairs of States.

Secondly, the primary responsibility for the protection of civilians rests with the State in question.

Thirdly, the protection of civilians must not be politicized or manipulated by making it an instrument of foreign intervention or of efforts to effect regime change, or in the interests of certain States alone. In addition, the attempts of some member States of the Security Council to impose their selective policies will achieve nothing except further damage to the role the Council is supposed to play according to the Charter.

Fourthly, with regard to the provision of humanitarian assistance, my Government, in spite of the economic war being waged against us, is doing its utmost to meet the survival needs of its population. In that respect, the Government of Syria has cooperated with the various United Nations bodies, including humanitarian assistance bodies and the International Committee of the Red Cross. We have provided all possible support, including by increasing the number of non-governmental organizations working in Syria so as to enable them to work and to assist the Syrian people, in the framework of respect for the sovereignty of Syria and under General Assembly resolution 46/182. However, the provision of basic necessities for the people of Syria such as food, medicine and fuel is hampered by the unilateral measures imposed on our State, threatening the survival of our people. We therefore call on the Council to act.

Fifthly, certain States continue to exploit the suffering of Syrian refugees out of ignorance of the real reasons that led them to seek refuge abroad, namely, the terrorist acts perpetrated by certain armed groups. Also being ignored is the negative behaviour on the part of the States receiving Syrian refugees. That is why we call on those States that are hosting Syrian refugees to stop trading on their pain and suffering, cease their inhumane treatment of such refugees and allow them to return to their country.

Sixthly, the Government of Syria is exercising its constitutional duties with respect to the building of a State based on the rule of law and the fight against in impunity. The Syrian judiciary is sparing no effort to consider all cases brought before it; for example, the national commission established to investigate the situation in the country is continuing its efforts to bring to justice all those who have committed crimes.

Despite all of that, it is regrettable to see that some States are continuing to take advantage of this meeting to reiterate their untruths regarding the situation in my country. Even though we are against this, we would reaffirm that the State of Syria more than any other State is committed to the well-being of the Syrian population. That is why we are carrying out our constitutional duties in connection with the protection of our people from the scourge of terrorism.

We are working for a return to peace and security, even as some Member States continue to ignore the terrorist acts targeting the people and the Government of Syria. We ask that the Security Council live up to its responsibilities; condemn the terrorism that is victimizing Syria; and demand accountability on the part of those States that are lending financial and weapons-related assistance and providing refuge to transnational terrorist groups, in flagrant violation of international law, in particular that relating to counter-terrorism. We ask that the Council force those States, especially Qatar, Turkey and Saudi Arabia, to cease their activities and withdraw their mercenaries from Syrian territories.

This question has been the object of discussion in the Council for 15 years now. During that time, the Council must have heard hundreds of statements calling on Israel to end its practices against the inhabitants of the occupied Arab territories and the States of the region. But the support given to Israel by permanent members of the Council has demonstrated the fallacy of those States' claims and of the policies they are pursuing, which are based on a double standard. As a result, Israel believes that it is sheltered from accountability

and can continue its criminal policies and aggression, which threaten international peace and security, and undermine the principles and norms of international law, international humanitarian law and human rights law.

Israel's policies, as we have seen in hundreds of United Nations reports, involve acts of aggression, genocide and crimes against humanity, which require that it resolutely be held accountable. My delegation reaffirms the need to provide security and protection to civilians living under Israeli occupation in the occupied Syrian Golan and in other Arab territories and to put an end to Israel's aggressive practices.

In conclusion, consideration and analysis of the situation prevailing in Syria must take place in a very responsible, neutral and transparent manner, so as to shed light on the realities on the ground — the opposite of a narrow approach that would serve only the interests of some parties. Therefore we reiterate the need for the Council to support efforts to promote a political settlement of the situation in Syria, under resolutions 2042 (2012) and 2043 (2012) and the Geneva communiqué.

The President (*spoke in Spanish*): I now give the floor to the representative of Switzerland.

Mr. Guerber (Switzerland): I am pleased to take the floor in my capacity as chair of the Group of Friends on the Protection of Civilians and speak on behalf of the delegations of Australia, Austria, Belgium, Brazil, France, Germany, Italy, Japan, Liechtenstein, Norway, Portugal, Switzerland, the United Kingdom and Uruguay.

Ensuring the protection of civilians in armed conflict is a task that requires our constant attention. Unfortunately, the core challenges identified in the last three reports of the Secretary-General have not been sufficiently addressed. Parties to conflict too often fail to comply with their obligations under international humanitarian law, which requires all parties to conflict to spare the civilian population from the effects of hostilities. In particular, increasing numbers of humanitarian workers, including medical personnel, have been deliberately harmed or even killed recently; there is thus a clear need to find ways to enhance their safety and security. At the same time, humanitarian access must be maintained and negotiated with all relevant parties in order to reach those most in need.

Parties to conflict must allow and facilitate the rapid and unimpeded passage and distribution of humanitarian relief for civilians in need, in full compliance with the guiding principles of humanitarian assistance enshrined in General Assembly resolution 46/182. We therefore consider progress on the question of access as highly urgent, as the imposition of constraints is often done in an arbitrary manner. More must be done, within the framework of the United Nations Charter, to ensure accountability but also prevent grave instances of deliberate delays or denials of access for humanitarian operations, as well as attacks against humanitarian workers.

In that regard, we recall that attacks on humanitarian workers constitute a war crime under article 8 (e) (iii) of the Rome Statute of the International Criminal Court (ICC) and that accountability and legal protection are therefore stronger with an increasing membership in the ICC.

There is a lot to discuss, and the fact that this is the third open debate under this agenda item this year so far is encouraging. I therefore wish to thank the United States presidency for having held a debate on the protection of journalists last month (see S/PV.7003), as well as the current Argentine presidency for keeping the protection of civilians high on the Security Council's agenda.

To ensure a meaningful discussion on the protection of civilians, a comprehensive humanitarian and human rights perspective is essential, and we welcome the diversity of expertise represented around the table today. This is of particular importance at a time of internal review processes that aim at strengthening the protection architecture of the United Nations. With a view to maintaining the momentum, we very much look forward to having a further substantive debate on the basis of the next report of the Secretary-General, which is due in November.

(*spoke in French*)

I will now make a brief statement in my national capacity. A longer version of my statement has been distributed in the Chamber.

I would like to thank the Argentine presidency of the Security Council for holding this debate. This year we are celebrating the 150th anniversary of the International Committee of the Red Cross (ICRC), which was founded in 1863 by a group of Genevan

citizens. During the high-level week of the General Assembly in September, Switzerland will host a high-level breakfast, aimed at addressing the issues of protection of civilians and humanitarian aid.

Respect for the law regarding protection varies considerably from one context to another. Switzerland notes that its joint initiative with the ICRC to enhance respect for international humanitarian law is generating positive momentum. Indeed, a growing number of States are participating in substantive discussions within the framework of that process in Geneva.

We remain very concerned by reports of serious violations of international humanitarian law and human rights in Syria. We call on all parties to fully comply with their obligations, to put an end to the violence and to resolve the conflict through negotiation and dialogue, as laid out in the Geneva communiqué of 30 June 2012. Given the extent of the violations and the number of victims in Syria, a holistic approach will be required in order to address the victims' right to know, right to justice, right to reparation and guarantee of non-recurrence, within the framework of a political solution to the conflict.

In many areas, access to victims and affected populations remains one of the most complex challenges. Despite the existing legal framework, humanitarian actors face increasing difficulty in gaining access to those affected. That is why Switzerland has started drafting two publications, in conjunction with the Office for the Coordination of Humanitarian Affairs and the ICRC, aimed at supporting humanitarian actors in their efforts to obtain access to victims of armed conflict and disseminating widely the existing legal framework that applies to humanitarian access issues.

Finally, as a member of the Accountability, Coherence and Transparency group (ACT), a transregional group of 22 States whose objective is to improve the working methods of the Security Council, Switzerland welcomes the fact that open debates are held regularly, particularly on the protection of civilians.

The President (*spoke in Spanish*): I now give the floor to the Deputy Head of the Delegation of the European Union.

Mr. Vrailas (*spoke in French*): I have the honour to speak on behalf of the European Union and its member States. The candidate countries the former Yugoslav Republic of Macedonia, Montenegro and Serbia, the countries of the Stabilization and Association Process and potential candidates Albania and Bosnia and Herzegovina, as well as Ukraine, the Republic of Moldova and Georgia, align themselves with this declaration.

Before beginning, I would like to add my voice to all those who have today paid tribute to the memory of the victims of the bombing of the Canal Hotel in Baghdad in 2003, which killed 22 United Nations staff members, including the Special Representative of the Secretary-General in Iraq, Sergio Vieira de Mello. My thoughts are also with all our other United Nations colleagues who have perished while carrying out their mission. I would like to thank the Secretary-General and his team for the very moving ceremony that they held this morning.

I wish also to thank the Secretary-General, the Under-Secretary-General, Ms. Amos, the United Nations High Commissioner for Human Rights, Ms. Pillay, and the representative of the International Committee of the Red Cross, Mr. Spoerri, for their statements. We note that Argentina has chosen this important topic for an open debate in view of the upcoming report by the Secretary-General.

The European Union (EU) is firmly committed to promoting the implementation of international humanitarian law, human rights law and refugee law worldwide. Respect for those laws is crucial to ensuring the protection of civilians in armed conflicts and to providing help to victims in the most efficient manner. The frequent failure of parties to armed conflicts to comply with their obligations is of profound concern to the EU.

The EU has adopted guidelines on promoting respect for international humanitarian law, setting out the EU view on the scope of international humanitarian law and listing the tasks the EU must undertake to improve its implementation. The EU monitors situations where international humanitarian law is applicable and recommends actions to promote compliance. The EU makes full use of all the tools at its disposal, including political dialogue and processes and public statements to that effect.

At the 31st International Conference of the Red Cross and Red Crescent, held in 2011, member States undertook substantial commitments concerning international humanitarian law. We would note that one such commitment was a promise by all member

States to consider ratifying all the core international humanitarian law instruments to which they were not yet party by the next conference, in 2015. Work to implement those commitments is under way.

Significant steps have been taken to implement the new guidelines, in terms of all member States ratifying core international humanitarian law instruments and their accession to the Rome Statute of the International Criminal Court (ICC). The EU encourages those member States that have not yet ratified Additional Protocols I, II and III to the Geneva Conventions to do so. We also call on all States to accept and recognize the competence of the International Humanitarian Fact-Finding Commission.

Arms control and the fight against the indiscriminate and disproportionate use of weapons constitute an important pillar of international humanitarian law. The Arms Trade Treaty (resolution 67/234 B), which was adopted by the General Assembly, will be a significant contribution to the protection of civilians in armed conflicts. All EU member States have already signed the Treaty, and ratifications are under way. We believe that, by ensuring that conventional arms are traded in a responsible way, the Arms Trade Treaty can reduce gender-based violence and improve the lives of hundreds of thousands of men, women and children around the world. The EU encourages all States Members of the United Nations to sign the Treaty and will actively support its early entry into force and proper implementation.

The European Union is also satisfied with the significant progress made in the fight against the suffering and casualties caused by anti-personnel mines and cluster munitions. Considering the tremendous humanitarian and development challenges still posed by such weapons, it is clear that much more remains to be done.

We continue to be very preoccupied by the humanitarian impact of the use of such weapons in densely populated areas. We take note of the view expressed by the International Committee of the Red Cross recalling that the use of explosive weapons with a wide-impact area must be avoided in densely populated areas.

Unfortunately, it is often women and children who suffer the most in armed conflict. In particular, the use of rape and sexual violence as a method of warfare is one of the most serious violations of international humanitarian law. While some positive steps have been taken at both the national and international levels in holding perpetrators to account, more efforts to address this issue must be pursued.

Despite all these initiatives, it is clear that international humanitarian law is violated all too frequently. For this reason, the EU is closely following the initiative by Switzerland and the ICRC on the possibility of establishing a mechanism to improve compliance with international humanitarian law and welcomes the initiative to study the feasibility of such a mechanism.

Strengthening accountability when violations occur is a crucial element in encouraging the parties to armed conflict to comply with their international obligations. National Governments have the primary responsibility to provide accountability for violations of international humanitarian and human rights law. Where they fail to take the necessary steps in that regard, the ICC is a court of last resort. The Security Council has an important role to play, given that it has a global mandate to make referrals to the Court. The EU is a firm supporter of the ICC and believes it plays an essential role in promoting respect for international humanitarian law and human rights.

We must remember that, when mass atrocities occur, both the State in question and the international community are responsible for ensuring that all peoples are protected against such actions. The principle of the responsibility to protect makes clear that Governments have an obligation to protect their own populations, while the international community has an obligation to assist Governments in doing so and to react when Governments fail in their obligation to protect their civilians.

Humanitarian activities face a number of challenges today that are contributing to the shrinking of the humanitarian space and jeopardizing the core principles of humanity, neutrality, independence and impartiality that underpin humanitarian work. Swift, safe and unimpeded humanitarian access is a precondition for undertaking proper assessments of humanitarian needs, for the implementation and monitoring of relief operations and for ensuring appropriate follow-up.

However, humanitarian access remains the most significant challenge for humanitarian organizations, often owing to political considerations, administrative and physical impediments and restrictions or security-

related concerns. In that context, the EU urges all parties to conflicts to grant humanitarian organizations rapid, safe and unimpeded access to the affected population and notes that any arbitrary denial of access constitutes a violation of international humanitarian law.

Better implementation of existing laws is needed to respond to the challenges, in particular the Geneva Conventions and their Additional Protocols. Furthermore, more information and training on international humanitarian law needs to be provided. Finally, innovative ways to induce all parties to armed conflicts to comply with international humanitarian laws are needed.

In that regard, the EU has been funding and supporting the following activities: international humanitarian law training programmes that reach out to a broad audience, in particular non-State armed groups, which usually have little information on any laws; the ICRC's international humanitarian law training and dissemination for military and security forces and armed non-State actors in key conflict-affected countries, as well as activities aimed at increasing the capacities of humanitarian workers in advocating for international humanitarian law. It is noteworthy that international humanitarian law, human rights, gender equality and child protection are at the core of training programmes that the EU's crisis management missions provide, for example, to security forces in Mali and Somalia.

Let me conclude by refering to the very worrying situations in many countries with regard to the protection of civilians and to the special attention needed by vulnerable groups, such as children and persons with disabilities. The EU is alarmed by the rapid deterioration in the humanitarian situation in Syria and demands that all parties, in particular the Syrian authorities, ensure immediate, regular, safe and unfettered access for aid organizations to those in need on all sides of the conflict. All those responsible for atrocities and human rights violations and abuses must be held accountable.

In Mali, the EU welcomes the deployment of human rights monitors and urges the Government to firmly commit to the fight against impunity and to hold all those who violate human rights and international humanitarian law accountable for their actions.

With regard to Somalia, the EU expresses concern at the ongoing humanitarian crisis and its impact on the people of the country, and underlines the importance of providing life-saving assistance to vulnerable populations.

In the eastern part of the Democratic Republic of the Congo, the recent fighting underscores the need for urgent action aimed at providing safe and unhindered humanitarian access to affected populations and making all parties responsible for human rights violations accountable.

Such conflicts demonstrate how much more work is needed to improve compliance with international humanitarian law, to ensure that affected populations have access to humanitarian assistance and to strengthen accountability for serious violations.

The President (*spoke in Spanish*): I now give the floor to the representative of Lithuania.

Mrs. Kazragienė (Lithuania): I thank Argentina for holding this important debate, and the briefers for their valuable input.

Lithuania aligns itself with the statement made by the observer of the European Union.

As today we are commemorating the tenth anniversary of the deadly attack against the United Nations Mission in Iraq, let me stress the importance of and our shared responsibility for ensuring the safety and security of all those — United Nations personnel, humanitarian aid and medical workers — who serve in order to safeguard peace and security.

I would like to focus on two issues, namely, compliance with and strengthening accountability for violations of international humanitarian, human rights and refugee law.

As a State party to all international humanitarian law instruments, including the Geneva Conventions, its Additional Protocols and treaties limiting or prohibiting the use of certain types of weapons, Lithuania strongly believes that international humanitarian law is an indispensable tool in protecting all persons affected by armed conflict. The Lithuanian national commission on the implementation of international humanitarian law, established in 2001, coordinates the promotion and dissemination of international humanitarian law to the military, the police and the general public. As part of their effort to protect civilians, the Lithuanian armed forces focus both on limiting military actions in operational areas and on improving the situation of

civilians by providing medical care and undertaking demining activities and gender-related training for local populations. Lithuania regularly supports projects related to the destruction of small arms, antipersonnel mines, cluster munitions and unexploded ordnance.

Lithuania believes that the Arms Trade Treaty will help to reduce human suffering by ensuring a more responsible arms trade. We were glad to be part of successful efforts advocating for strong norms aimed at preventing arms transfers that could be used to commit or facilitate violations of international humanitarian law, in particular attacks directed against civilians, gender-based violence and violence against women and children.

Lithuania strongly believes that accountability is not only about bringing justice when compliance with international humanitarian, human rights and refugee law has not been observed, but also about sending a message of deterrence to all potential perpetrators that such lapses in compliance will not be tolerated.

Credible information on violations of international humanitarian, human rights and refugee law should be both a prerequisite and a trigger for efforts to ensure accountability. Lithuania attaches great importance to the timely recourse to and firm reliance on fact-finding mechanisms. Given the independent and permanent nature of the International Humanitarian Fact-Finding Commission, we call on all States to consider accepting its oversight and making use of its good offices, including in cases of non-international armed conflicts.

The primary obligation to ensure accountability and compliance lies undoubtedly with national jurisdictions. Therefore, in the long-term, investment in strengthening their capacities to investigate and prosecute individual perpetrators is the key. International justice and reconciliation mechanisms were designed to support and complement such national efforts in bridging the immediate gaps. The Security Council would also benefit from streamlined practices in its response to alleged violations of international humanitarian, human rights and refugee law. Lithuania strongly believes that the Council's powers to refer situations to the International Criminal Court provide a unique opportunity to make accountability applicable all around.

The role and essential rights of victims must not be overlooked when considering accountability. Lithuania welcomes the trends in modern international criminal justice that empower victims and bring retributive and restorative justice closer together. Again, we see the Rome Statute as an example of how the traditional approach of retributive justice might be supplemented by two distinct forms of victim redress, namely, reparations ordered by the Court and support provided to victims independently by the Trust Fund.

Lithuania welcomes the work of the informal expert's group on the protection of civilians as an important forum for keeping the Council informed of protection developments on the ground, and encourages the continuation of that practice and exploring ways to make greater use of the Group.

Civilians still represent the vast majority of victims in armed conflicts. Given the changing nature of the concerns related to the protection, the Security Council has to play a role in finding adequate solutions. There will always be some disagreement within the international community on how to respond to a given situation, but when tens of thousands of civilian lives are threatened, the world expects the Security Council to unite and act.

The President (*spoke in Spanish*): I now give the floor to the representative of Uganda.

Mr. Ndubuura (Uganda): Uganda appreciates the initiative of Argentina to hold this high-level open debate on the protection of civilians in armed conflict. We also thank Secretary-General Ban Ki-moon, High Commissioner for Human Rights Navanethem Pillay and International Committee of the Red Cross Director Philip Spoerri for their instructive briefings.

We welcome the concerted efforts aimed at ensuring the protection of civilians, but the fact that so many civilians continue to lose their lives while others are subjected to human rights violations in situations of armed conflict, shows that a lot still remains to be done. My delegation would like to stress that the primary responsibility for the protection of civilians lies with national authorities and actors, who should fulfil their obligations and responsibilities under international humanitarian and human rights law.

I wish to emphasize three points that we consider vital in the protection of civilians in armed conflict.

First, it is essential for the Security Council, as well as regional and subregional organizations, to ensure that greater efforts are directed towards preventing and

resolving conflicts, which necessitate the protection of civilians.

Secondly, the role of national Governments, which bear the primary responsibility for the protection of civilians, should be respected and supported in a way that upholds the principles of the Charter of the United Nations, without undermining the sovereignty and territorial integrity of the countries concerned. We would not like to see situations where the noble goal of protecting civilians is used as a pretext for interfering in the internal affairs of Member States or for pursuing other interests.

The protection of civilians in armed conflict should be a collective effort to ensure strict observance of the standards and principles of international humanitarian law and human rights, especially with regard to women and children. In that regard, we welcome the incorporation of the protection of civilians in the mandates of United Nations peacekeeping missions, and call for the effective implementation of that mandate, particularly in situations where armed groups such as the Lord's Resistance Army continue to commit grave atrocities against civilians in the Democratic Republic of Congo and Central African Republic.

Thirdly, in conclusion, the Security Council and the international community should continue to support efforts undertaken by national actors, as well as regional and subregional organizations such as the African Union, the Intergovernmental Authority on Development, the International Conference of the Great Lakes Region, the Southern African Development Community and the Economic Community of West African States to settle conflicts on the continent peacefully through negotiation, dialogue and mediation. While we stress the need to end impunity and bring perpetrators to justice, it is also important to promote reconciliation for long-term stability.

The President (*spoke in Spanish*): I now give the floor to the representative of Indonesia.

Mr. Percaya (Indonesia): Allow me, at the outset, to thank you, Madam President, for your presence and for convening this open debate on the protection of civilians in armed conflict,x) as well as for your well-rounded concept paper on the agenda item before us (S/20123/447, annex).

The protection of civilians in armed conflict is a very important topic for Indonesia. While the Security Council has considered this topic for more than a decade, in recent years the international community has witnessed a growing number of civilian deaths, including of women, children and the elderly. We wish to thank the Secretary-General, the High Commissioner for Human Rights, the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator and the Director for International Law and Cooperation of the International Committee of the Red Cross for their respective useful briefings, which highlight progress on the protection of civilians and the persistent challenges during armed conflicts.

This meeting is particularly timely as today we hold an annual memorial service in memory of United Nations personnel who lost their lives in the line of duty in the past year and for fallen United Nations staff as well as survivors of the horrific bombing in Baghdad 10 years ago.

We must explore how improvements can be brought about in order to have tangible results in protecting civilians and how we can galvanize actions across the spectrum to ensure that basic human rights, especially the right to life of civilians in armed conflict, are protected. While noting the progress made in setting up the international normative framework, and the international experiences and best practices on this issue that are increasingly being provided, we concur with the Secretary-General's observations on the need to translate the normative framework and commitments into concrete improvements for the protection of civilians on the ground.

It is therefore vital to make progress in effectively addressing the five core challenges identified in the Secretary-General's report (S/2012/376). In that regard, my delegation would like to share some of its observations as follows.

First, on the strengthening of compliance with international humanitarian law, human rights law and refugee law, Indonesia was pleased to support, together with your country, Madam President, as well as Norway, Austria and Uganda, the Conference held in Oslo earlier this year on reclaiming the protection of civilians under international humanitarian law. Prior to the Conference, Indonesia, together with Norway, hosted a regional workshop on international humanitarian law and the protection of civilians in Jakarta in November 2010. Participants at that workshop included representatives from 12 countries of the

region, the International Committee of the Red Cross, academics, militaries, non-governmental organizations and national human rights institutions. The workshop adopted a co-chair's summary, among others, stressing the applicability of international humanitarian law to all parties to armed conflict, irrespective of the underlying cause of conflict, and noted that a serious gap remained between protection that civilians are entitled to under international law and the reality that they face on the ground. International humanitarian law, particularly common article 3, also establishes a comprehensive framework for the protection of civilians in armed conflict obliging all parties, both State and non-State armed actors, to protect civilians from harm resulting from hostilities. While compliance with humanitarian and human rights law as well as refugee law by armed State actors can in general be monitored through various existing modalities, there are indeed challenges when it comes to non-State armed groups. It is widely understood that there are limits as concerns State-centric international instruments in addressing protection vis-à-vis those groups.

In that regard, efforts to enhance compliance with international humanitarian law principles by non-State armed groups should be further developed. Efforts such as the use of unilateral declarations, special arrangements between Governments and non-State armed groups and deeds of commitment have been reported to be effective tools for engagement and to hold armed groups accountable for their actions.

Secondly, ensuring safe passage and unfettered access to humanitarian assistance is fundamental to enhancing access to affected populations. While it is the primary responsibility of the Government concerned to provide the necessary guarantees for access to humanitarian assistance, all warring parties, including armed non-State actors, must shoulder that responsibility. All parties to conflict must abide by the rule of distinction, as the most fundamental principle of international humanitarian law, which is essential to ensuring the protection of civilians. We are concerned by the challenges to the application of that rule, especially in a situation where attacks take place in densely populated areas and where the nature of conflict becomes asymmetric, compounded by the use of new technologies such as cyberwarfare, drones and explosive weapons.

The growing involvement of private security companies in armed conflict also brings about new challenges, particularly when parties do not always clearly distinguish themselves from the civilian population and intermingle with civilians, increasing the risk of civilian harm. We welcome the discussion held on this issue at the recent session of the Working Group on the Use of Mercenaries, which stressed, among other things, that the use of private security companies by the United Nations creates potential legal and reputational risks to the Organization, especially in the context of peacekeeping operations and other United Nations missions. As Blue Helmets have been playing a critical role in assisting host countries and humanitarian actors, mixing them with private contractors may pose risks not only to civilians but also to the safety and security of humanitarian actors and the peacekeepers themselves.

Thirdly, with regard to strengthening accountability for serious violations of international humanitarian law and human rights law, it is crucial that there be greater focus on developing effective tools and supporting and strengthening national capacities and resources.

The role of Member States in promoting compliance and accountability, including through domestic legislation and legal means, is necessary to prevent violations. In that regard, every State has a responsibility not only to undertake the requisite national steps but to support the furthering of a global culture that ascribes the highest importance to the protection of civilians in armed conflicts and respect for their human rights.

Finally, Indonesia underlines that nothing is more dreadful than allowing civilians, particularly women and children, to be the casualties and collateral damage in armed conflict. Bolstering adherence to international humanitarian and human rights law with enhanced political will and partnership among countries, backed by a solid United Nations response to human catastrophes, is essential to strengthening the protection of civilians. Let us all exercise our respective responsibilities fully to that end.

The President (*spoke in Spanish*): I now give the floor to the representative of Colombia.

Mr. Osorio (Colombia) (*spoke in Spanish*): Colombia deems it very appropriate that the Council is continuing to reflect on experiences and good practices in connection with States' commitment to protect civilians in armed conflict. This issue is particularly relevant to our country in that it has had to deal for nearly five decades with illegal armed groups that

have engaged in terrorist activities and attacks against civilian populations.

Colombia restates its commitment to human rights, international humanitarian law and refugee law for the protection of civilians in armed conflict. As a demonstration of its commitment, Colombia is preparing a major high-level international conference on assistance to victims, to be held next year. That conference is intended to establish synergies between the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction, the Convention on Cluster Munitions, Protocol V on explosive remnants of war and the Convention on the Rights of Persons with Disabilities in order to deal with the issue of assistance to victims adopting a holistic approach.

We emphasize that international assistance in this field must conform to the conditions and principles of humanity, neutrality, impartiality and independence, as enshrined in General Assembly resolution 46/182. Abiding by those principles while appropriately channelling collective efforts in support of national authorities takes on particular importance when such cooperation is taking place with countries that have democratic institutions and legitimately constituted Governments. My delegation would also like to reiterate how important it is for United Nations bodies to have clear information regarding the efforts of national Governments in terms of the protection of civilians, in establishing the priorities of their work, and in informing the United Nations about their respective situations. Verified, objective, balanced and impartial information includes the identification of shortcomings and challenges but also the identification and recognition of the progress made in each country. Moreover, while we understand that compliance with international humanitarian law by illegal armed groups is essential for the protection of the civilian population, nonetheless we feel that contacts with United Nations organs and agencies does not necessarily guarantee that their actions will conform with existing legislation on the protection of civilians in armed conflict.

For that reason, the international community must bring the requisite pressure to bear to ensure that such groups repudiate violence and pursue their objectives through the institutional channels offered by a democratic State. Colombia therefore stresses that the appropriateness of such approaches should be analysed on a case-by-case basis; it is certainly a matter that should be decided by the States involved in a sovereign, autonomous and independent manner.

Following the invitation in the concept note (S/2013/447) prepared by the presidency, I should like to reiterate that Colombia deems essential measures aimed at prevention, protection and the guarantee of non-repetition for victims in situations of armed conflict. My Government believes that the rights of victims must be guaranteed and reflected in assistance, attention and reparation measures. We are therefore establishing a risk map as a means of identifying organizations and communities at risk, including women's organizations. We are also establishing a network of observatories for human rights and international humanitarian law. We are training public officials and members of the forces of law and order in matters relating to the rights of victims to truth, justice and full reparation; women's rights; the implementation of a differentiated approach; sexual violence; and the need to coordinate and publicize the various protection programmes.

We also believe that to promote the protection of civilians in armed conflict, it is necessary to devise and implement measures that are aimed, inter alia, at making the administration of justice more flexible, ensuring coherence among transitional justice structures, guaranteeing equitable and full reparation to victims, and prosecuting perpetrators. Colombia has initiated a peace process based on Law No. 1 of 2012, which guarantees that, when an armed conflict ends, perpetrators of crimes against humanity will be held accountable and the rights of victims upheld.

We express our thanks for today's very timely debate today and wish to conclude by stating that the measures taken in our country reflect our deep conviction of the need to devise responses and solutions that make it possible to protect the civilian population and to achieve national reconciliation and peace for the benefit of all.

The President (*spoke in Spanish*): I now give the floor to the representative of Qatar.

Mr. Al-Thani (Qatar) (*spoke in Arabic*): May I begin by thanking you, Madam President, for having convened today's open debate on this very important issue. We also thank you for the concept paper (S/2013/447) that you circulated, emphasizing different aspects of this issue. Our thanks go also to the Secretary-General, the High Commissioner for Human Rights, the Under-Secretary-General for Humanitarian

Affairs and Emergency Relief Coordinator and the International Committee of the Red Cross for their important statements.

The continuing consideration of this matter by the Security Council and the adoption of decisions, resolutions and presidential statements reflect the importance that the international community attaches to protecting civilians in armed conflict. There can be no doubt that international instruments on this subject have contributed to promoting human rights, preserving the dignity of humankind and protecting rights against all violations. Thus human rights have become internationally recognized rights, and their flouting is a violation of international human rights law, international humanitarian law and refugee law.

We have made great progress in terms of our respective international instruments, including provisions of a deterrent nature, sanctions and tangible measures, as well as the handing down by the International Criminal Court and other tribunals of sentences for crimes against humanity. However, we are witnessing grave violations that can no longer be tolerated or accepted by the human conscience or the international community.

In the light of the provisions of the Charter of the United Nations that lay down the mandate of the Security Council and the General Assembly, and in the light of resolutions on the protection of civilians in armed conflict, the Security Council has endeavoured to ensure respect for international standards guaranteeing human rights and international humanitarian law. The Council has also sought to assign responsibilities, and resolutions have been adopted under Chapter VII of the Charter with a view to putting an end to human rights violations by means of buffers, through the establishment of international tribunals to prosecute the perpetrators of the gravest crimes, consistent with international human rights law and international humanitarian law.

Along the same lines, humanitarian concerns are based on regulations in this sphere. The four Geneva Conventions of 1949, and specifically the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, emphasize the protection of civilians in the context of domestic conflict. The four Geneva Conventions restate not only respect for international humanitarian law but also call on the international community to take tangible measures. Article I of the four Conventions calls not only for respect of international humanitarian law by all States parties, but also calls on parties to ensure respect for that law. In that context, we have elaborated international instruments, including the Universal Declaration of Human Rights and other international instruments, aimed at putting an end to human rights violations. We have also developed refugee law.

The General Assembly and the Human Rights Council have adopted numerous resolutions pertaining to the humanitarian situation of civilians in Syria following the grave violations perpetrated by the Syrian regime against its people. That regime is determined to use the security solution to muzzle its people. We have for weeks heard from Paulo Sérgio Pinheiro, Chair of the Independent International Commission of Inquiry on the Syrian Arab Republic, about the situation there. According to the report of that body, crimes against humanity and grave violations of human rights continue to be perpetrated in Syria, and this in conjunction with a deterioration of the humanitarian situation, because the regime refuses to grant access to humanitarian aid for civilians. Moreover, the Commission headed by Mr. Pinheiro has documented violations by the Syrian regime of international humanitarian law, refugee law and international human rights law.

There can be no doubt that the atrocities suffered by the Syrian people are grave and serious violations of international humanitarian law and international human rights law. Those violations also represent a serious breach of the obligations under the four Geneva Conventions of 1949 and various Security Council resolutions, including resolution 1894 (2009), which calls on parties to conflict to fully implement all relevant decisions of the Security Council and to take all required steps to protect civilians and meet their basic needs.

In the light of the grave current situation, the people of Syria, who are unarmed, are looking to the Security Council to take effective measures to put an end to the grave violations of human rights and international human rights law from which they are suffering and to protect the people of Syria, provide them with humanitarian assistance, and allow displaced persons to return home.

The perpetrators of violations of international humanitarian law and violations of human rights law are ignoring the grave consequences of their acts.

They are failing to respect existing international instruments, despite the fact that they are respected by all other countries. The Council's paralysis has seriously damaged the profile of the United Nations and sends the wrong message to the perpetrators of those violations, who feel encouraged to continue along this same path. That paralysis and the fact that measures cannot be taken to protect civilians means that the Council has failed to take action and is unable to deal with the current humanitarian fallout. My country therefore reiterates its support for the presidential statements and resolutions adopted by the Security Council to protect civilians, which seek to introduce effective measures aimed at putting an end to the suffering of those people pursuant to internationally recognized instruments, including international humanitarian law, international human rights law and refugee law. We restate our respect for the rule of law and the aspirations of all peoples and their choices.

The President (*spoke in Spanish*): I now give the floor to the representative of Estonia.

Mr. Kolga (Estonia): At the outset, I should like to join others in thanking the presidency for organizing this open debate. I see it as a sign of the Security Council's continued commitment to addressing the impact and consequences of armed conflict on civilians.

Estonia fully aligns itself with the statement delivered by the observer of the European Union, but I should like to make some additional remarks. The full version of our statement will be distributed.

Unfortunately, despite the Security Council's focus and recurring debates on this issue, the reality remains bleak. Civilians continue to account for the vast majority of casualties in armed conflict, parties to conflict frequently fail to comply with their obligations under international humanitarian law to protect civilians, and accountability for those crimes is, to a large degree, missing. Estonia reiterates its concern that women and children are the ones often most severely affected by conflict and that rape is continuously used as a method of war.

Humanitarian access is a prerequisite for humanitarian actors so that they can reach people in need. Regrettably, access is frequently delayed, impeded or denied. Estonia joins the Secretary-General in his call for consistent engagement with non-State armed groups as well, so as to achieve improved compliance with international human rights and humanitarian law and gain safe humanitarian access. For example, in Syria, access to people in conflict-affected areas remains severely hindered by the Government as well as by the armed opposition. Estonia urges all parties to the conflict in Syria to support humanitarian workers so as to enable them to reach all people in need, wherever they are in their country.

Not only do States bear the primary responsibility for ensuring the protection of civilians, it is States that are principally responsible for investigating and prosecuting those suspected of having committed serious crimes of international concern. But national investigations and prosecutions of atrocity crimes remain rare. It is therefore of the utmost importance that States encourage parties to comply with international humanitarian law, support and assist those in need and investigate and prosecute crimes against international humanitarian law. Such support can be provided by helping States adopt the necessary national legislation for such prosecutions. Where States fail to take the necessary steps, the international community, collectively, is responsible for ensuring accountability through international criminal justice mechanisms. Therefore, in addition to strengthening domestic legislation, States that have not done so yet should ratify the Rome Statute and cooperate with the International Criminal Court (ICC).

Estonia encourages the Security Council to play a more proactive role in ensuring an appropriate international response, including continued use of its ability to refer situations to the ICC. The Council has already — twice — referred situations to the Court with a view to ensuring accountability for serious crimes, thus extending the reach of the Court. However, a referral alone is not enough to ensure accountability. The Court lacks its own enforcement mechanisms and in that regard is fully dependent upon State cooperation. Continued engagement, support and follow-up by the Security Council in an efficient and vigorous manner are therefore indispensable.

A prime example of where the Security Council can put its words into action is Syria, where war crimes, crimes against humanity and gross violations of human rights have for too long been a daily reality. No convincing domestic efforts have been made to investigate those crimes or bring those responsible to justice. Therefore, a referral to justice at the international level is necessary.

International commissions of inquiry and fact-finding missions are additional valuable mechanisms for verifying and investigating allegations. It is important to link fact-finding bodies with judicial processes in order to ensure accountability.

Before concluding, allow me to stress that a sharper focus is needed on supporting the victims of serious crimes. The protection of civilians is a measure aimed at ensuring that innocent people are not subjected to harm, but, where such protections fail, we must at the very least ensure that ample support is provided. The Rome Statute's expansive victim participation and reparations framework constitute a milestone in international criminal justice. The reparations envisioned in the Statute, including through the Trust Fund for Victims, seek to provide reparations to as wide a group of affected people and communities as possible. Successful investigations and prosecutions assist in restoring dignity to victims by acknowledging their suffering and help to create a historical record that protects against those who will seek to deny that atrocities occurred.

The President (*spoke in Spanish*): I now give the floor to the representative of India.

Mr. Mukerji (India): Let me begin by thanking you, Madam President, and your delegation for organizing today's debate on the important issue of the protection of civilians in armed conflict. We also thank all the briefers in this debate for their very valuable inputs.

It bears recalling that the Security Council has been considering the protection of civilians as a thematic subject since 1999. The topic has also become a key focus in many resolutions, including some that are country-specific and relate to United Nations peacekeeping missions. However, the sad fact remains that civilians continue to suffer disproportionately during armed conflicts. We therefore hope that today's debate and the comprehensive concept note (S/2013/447, annex) prepared by your delegation, Madam President, will contribute to the evolving discourse on strengthening the protection of civilians in armed conflict.

India has consistently supported full compliance with the applicable international humanitarian laws by all parties to an armed conflict. We believe that a critical requirement in that context relates to the capacities of national institutions in situations of armed conflict and the need to strengthen them. Obviously, capacity-building of key national institutions, including in the security and justice sectors, needs to be adequately resourced. It is important that the international community, including the United Nations, step up to the plate and partner with national authorities so as to build and strengthen the capacity of State organs.

Today, as we mark World Humanitarian Day, we must emphasize that adequate resourcing is also an imperative for United Nations peacekeeping missions, which are now also being charged with mandates for the protection of civilians. We must also hold accountable those who target United Nations peacekeepers, who are responsible for protecting civilians in their theatre of operations.

Moreover, efforts at peacebuilding should be initiated right at the beginning, and the cause of the armed conflict addressed through national reconciliation and inclusive political processes, while giving all sections of society a stake in peaceful coexistence.

The need to ensure humanitarian access to populations affected by armed conflict cannot be overstated, and States must endeavour to facilitate such access. However, humanitarian actors must also ensure that their activities do not provide legitimacy or operational space for terrorist or armed groups. Terrorists and illegal armed groups, which often bear the primary responsibility for attacks against civilians, should be held accountable for such attacks.

Security Council action must be based on full respect for the Charter of the United Nations, including the sovereignty and integrity of Member States. Insofar as issues of impunity are concerned, we believe that a lasting solution is not in the creation of more international or regional institutions but in building national institutions through capacity-building efforts so that they can function consistently with the rule of law.

In conclusion, I should like to reiterate our consistent view that the protection of civilians is primarily a national responsibility that becomes even more important in an armed conflict. It is our belief that contributions to national capacity building rather than intervention mechanisms should be the priority of the Security Council.

The President (*spoke in Spanish*): I now give the floor to the representative of Belgium.

Ms. Frankinet (Belgium) (*spoke in French*): Belgium associates itself fully with the statement

delivered on behalf of the European Union and the statement delivered by the representative of Switzerland on behalf of the Group of Friends on the Protection of Civilians.

I would like to thank the Secretary-General and the United Nations High Commissioner for Human Rights, Ms. Pillay, and the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Ms. Amos, as well as Mr. Spoerri of the International Committee of the Red Cross, for their statements.

Just recently, the indiscriminate bombing of Syria's most densely populated city was confirmed, without a shadow of a doubt. The destruction of Aleppo has, unfortunately, been one of the many tragedies of the Syrian conflict. In that particular context, the protection of civilians in armed conflicts is at the heart of my country's concerns. I would like to thank the Argentine President of the Council for making it the topic of today's debate.

In his report of 2009 (S/2009/277), the Secretary-General specifically pinpointed five challenges that have to do with the topic of today's meeting, three of which are linked more specifically to today's debate. In my national capacity, I would like to say a few things about them, specifically with regard to the situation in Syria.

First of all, with regard to respect for the rules of international humanitarian law, the then President of the Security Council, in his statement at the end of the debate in February (see S/PV.6917), reminded each one of the parties of their duty to comply with the provisions of international humanitarian law, human rights and the rights of refugees. During hostilities, parties to a conflict cannot, under any circumstances, attack non-combatants. They must display proportionality, taking all the measures necessary to protect the civilian population. Indiscriminate bombings of densely populated urban areas and many other actions have shown that up until now, mainly in Syria, the Council's measures have remained a dead letter and that they must be strongly reaffirmed.

Secondly, on the subject of humanitarian access, any victim of a conflict has an inalienable right to receive help. When an attack is carried out againt humanitarian workers, when the delivery of humanitarian assistance is being prevented for any reason, when medical infrastructure is destroyed, or when people — I am thinking in particular of women and children, the most vulnerable group — are being deprived of the care and assistance necessary for their survival, the principal of access is being denied and flouted. In Syria, almost 40 per cent of the public hospitals have been destroyed and another 20 per cent have been damaged. As the representative of the International Committee of the Red Cross said this morning, patients, medical staff, other infrastructure and ambulances are being targeted and attacked. Hospitals are being used by combatants for military purposes, even as torture and detention centres. In addition, humanitarian organizations are faced with many bureaucratic or even security challenges, which impede their access to millions of people who have been affected by armed conflict.

In its resolution 1894 (2009), the Security Council stated that it was ready to intervene by taking appropriate measures, as authorized by the Charter of the United Nations, in the event of armed conflicts where civilians were being targeted or when the delivery of humanitarian assistance to civilians was being prevented deliberately. On that basis, Belgium calls on the Council to consider measures proposed by the Emergency Response Coordinator, Ms. Amos, in her Syria briefing on 16 July, namely, the designation of special navigators whom agencies and organizations could consult for assistance in overcoming problems with access.

Removing red tape would allow medical care to pass through freely, as would the demilitarization of medical facilities. Notifying civilians and aid convoys of military offenses in advance, introducing humanitarian breaks to allow access to people and implementing cross-border humanitarian operations would also assist such efforts.

Thirdly, criminal responsibility must be reaffirmed. In order to ensure a return to sustainable peace in Syria, the perpetrators of serious violations of international humanitarian law must be brought to justice. Today, the International Criminal Court is in the best position to carry out that role. Belgium reaffirms its support for the appeal made to the Council last January, in a letter that we co-signed along with 57 States Members, to refer the situation in Syria to the International Criminal Court.

The President (*spoke in Spanish*): I now give the floor to the representative of New Zealand.

Mr. McLay (New Zealand): Thank you, Madam President, for convening this debate, which is so significant. Today's briefings by the Secretary-General, the United Nations High Commissioner for Human Rights, the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, and the reprentative of the International Committee of the Red Cross remind us that this agenda item is constantly relevant to the Security Council. They also remind us of mini-conflicts where the Council continues to struggle for leverage and where the United Nations as a whole is not delivering what is expected of it in its Charter. Therefore, no one should be overly concerned that the Council has already focused on this thematic issue, as recently as earlier in 2013. Indeed, we look forward to the Secretary-General's report later on in the year and to an additional debate focused on his recommendations.

Nonetheless, it is important to recall that, since February, when the Council adopted a presidential statement under the leadership of the Republic of Korea (S/PRST/2013/2), we have seen a number of important and positive developments relating to the protection of civilians in armed conflict. The first was the adoption of the Arms Trade Treaty on 2 April 2013. That was a landmark step, with really significant implications for the protection of civilians, who can always be threatened by those possessing conventional weapons, including small arms and light weapons. New Zealand was proud to work closely with partners in Africa, the Caribbean, Latin America and the Pacific to help to achieve that result.

Secondly, we welcome the Council's decision last week to emphasize the role of regional and subregional organizations, bodies with huge potential for improving practical outcomes in the protection of civilians. The Council must support their efforts.

Thirdly, we note an approach of using force robustly for the protection of civilians within the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo as another marker of the growing commitment to the protection agenda.

Fourthly, the African Union's decision in July to establish a new peacekeeping mission in the Central African Republic, with a robust protection of civilians mandate, is particularly welcome. We are acutely aware of the ever-deteriorating, increasingly perilous situation of civilians in that country. We echo calls from the Secretary-General, Ms.Pillay and earlier by the United Nations Assistant-Secretary-General for Human Rights, Ivan Šimonović, that the Council pay more attention to that issue. As we heard last week in the Chamber from Valerie Amos (see S/PV.7017), it is now critical that the Council deal with the African Union's request for support with real urgency.

The Council must do more than just address the protection of civilians as a thematic issue. It must be more fully engaged in the implementation of this agenda item in practice, in the field and within the country-specific situations on its agenda. It must also do more to lend practical support to the protection efforts by regional organizations. As Emergency Relief Coordinator Amos made clear, the situation in Syria remains a glaring example of where the Council is quite simply failing both to support the approaches advocated by relevant regional organizations and to live up to the standards that it set for itself in its own thematic statements on the protection of civilians. In those circumstances, it is important for each of the 15 members of the Council to be seen to be working to address practical protection needs.

Under this agenda item, we must also emphasize the ongoing importance of ensuring the safety of humanitarian actors and their essential access to zones where they can alleviate suffering. We have heard Under-Secretary-General Amos's repeated calls for access to civilians trapped in Aleppo, Homs and other parts of Syria. We join Belgium in saying that access must not be denied. Civilians trapped in those conflict areas cannot wait for the successful conclusion of a political process before they get assistance. We join Estonia in saying that preventing access by deliberately attacking humanitarian workers is a war crime, and ensuring accountability for such violations, as has been emphasized by many in today's debate, is an important role of the Security Council. There can be no impunity.

Finally, on this World Humanitarian Day and its very sad anniversary, it is important that we all pay respect to the many humanitarian workers who have risked — and far too often lost — their lives in trying to alleviate the suffering of civilians. They command our utmost respect, and all of us — the States Members of the United Nations, the members of the Security Council and the United Nations Secretariat — all of us — must heed their example and be active and equally courageous if we are to make a reality of the protection of civilians.

The President (*spoke in Spanish*): I now give the floor to the representative of Spain.

Mr. Fernández-Arias Minuesa (Spain) (*spoke in Spanish*): I would like to express thanks for the statements made by the Secretary-General, the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, the High Commissioner for Human Rights and the Director for International Law and Cooperation at the International Committee of the Red Cross. But I would especially like to thank the Argentine presidency for organizing today's debate, particularly as it falls on World Humanitarian Day. I congratulate you, Madam President, for contributing to the consolidation of this issue on the Security Council's agenda following the success of the February and July debates (see S/PV.6917 and S/PV.7003), and ahead of the Secretary-General's report, which I expect we will have another opportunity to discuss again in this forum.

Spain aligns itself with the statement made by the Deputy Head of the Delegation of the European Union and wishes to make the following remarks in its national capacity.

The protection of civilians is a primary responsibility of States, which, to be fulfilled, requires the adoption of measures that will prevent violations, protect victims and ensure that those who have infringed the rules are punished. Prevention, protection and punishment — or, in other words, complying with the relevant international regulations, guaranteeing humanitarian access and ensuring accountability — those are the three elements on which, in accordance with the guidelines provided for today's debate, I will be focusing in my statement.

The necessary starting point for compliance with international humanitarian, human rights and refugee law is a commitment at the national level — the signing and ratification of the Geneva Conventions and their Additional Protocols, the proper incorporation of their rules into national legislation, the appropriate training of its armed forces and members of the judiciary on the issue, and the promotion of its basic rules within civil society. With that in mind, my country participated at the Oslo Conference and fully supports the initiative of Switzerland and the International Committee of the Red Cross aimed at devising mechanisms to strengthen compliance with international humanitarian law. Furthermore, Spain attaches the utmost importance to the inclusion of international humanitarian law within training programmes for armed forces, and has done so itself, including incorporating fundamental principles of proportionality, precaution and distinction between combatants and civilians, as well as rules on the protection of civilians and specially protected people and the responsibilities and obligations that arise therefrom.

The General Assembly has recently approved the Arms Trade Treaty (resolution 67/234 B), which my country has signed and is in the process of ratifying. My delegation is convinced that that legal instrument will have a direct impact on the protection of civilians in armed conflict.

Access to humanitarian assistance is one of the key pillars not only of humanitarian action but also of compliance with international humanitarian law, since, pursuant to the latter, States — and all parties to a conflict — have the obligation to guarantee rapid and unimpeded access to affected populations. As the report of the Secretary-General entitled "Strengthening of the coordination of emergency humanitarian assistance of the United Nations" (A/68/84) acknowledges, it is unacceptable that, still today, in certain emergencies, some States and non-State armed groups obstruct humanitarian access through bureaucratic hindrances or violence against humanitarian actors, including medical personnel. Those responsible for that, be they States or non-State groups, must know that the arbitrary refusal of humanitarian access can amount to a violation of international humanitarian law, and, as such, be punishable by the competent national and international institutions.

Spain believes that humanitarian access should be negotiated with all those who have the responsibility for and the ability to grant it. Criminalizing humanitarian engagement with non-State groups might result in impeding humanitarian access and therefore represents an indirect attack on the civilian population.

For the aforementioned reasons, my country considers that the international community must use all available means to fight those situations. Both the General Assembly and the Economic and Social Council have engaged in an intense and fruitful debate on those issues that will certainly strengthen the doctrine. I call on the Security Council which has the legitimacy, responsibility and means to guarantee an adequate humanitarian response to take note of those debates and act on that basis. The presidential statement issued following the debate that took place

last February (S/PRST/2013/2) reflects that concern and constitutes progress that we trust will be embodied in a future resolution.

As we already had the occasion to highlight last February (see S/PV.6917), my delegation considers that the fight against impunity is a fundamental tool in the protection of civilians. The Security Council has a clear responsibility in that regard, given its impact on international peace and security.

Spain believes that the work of the International Criminal Court should be strengthened and used by the Security Council as the basis of an international criminal system, especially in those cases where States are unable or unwilling to fulfil their responsibility to prosecute serious violations of international humanitarian law. Spain also supports the development of International Criminal Court's principle of positive complementarity and its work to build capacity and help States to accomplish their primary responsibility of fighting against impunity.

Over the last few years, the Security Council has taken significant steps to fight impunity. It is essential that it provide a follow-up of its referrals to the Court, continue taking steps towards the detailed oversight of the results of fact-finding missions, and explore the possibility of setting up mechanisms such as early-warning systems.

Allow me to conclude by saying that my delegation agrees with the reference made by the Secretary-General to the need to devote attention to the issue of reparations for victims. We believe, therefore, that the Security Council should endorse the findings of the commissions of inquiry, ensure their effective implementation and include that aspect in the relevant resolutions.

The President (*spoke in Spanish*): I now give the floor to the representative of Croatia.

Mr. Drobnjak (Croatia): It is a great honour for me to address you here today, Madam President. First and foremost, I would like to thank the Argentine presidency for having convened this timely meeting, which, in our view, strikes at the core of the Security Council's primary mandate regarding threats to international peace and security. I would also like to thank the opening speakers for their important contributions to the debate.

The Deputy Head of the Delegation of the European Union (EU) has already spoken on this matter, and, as an EU member, Croatia stands by that statement. Nevertheless, I would like to add a few points, keeping in mind Croatia's extensive and unfortunate experience in the field and our particular interest in all of us drawing valuable lessons from that troubled history and implement them for the sake of improved lifesaving assistance and greatly improved protection of those who are in dire need of it.

At this point, I would also like to commend the Governments of Argentina, Austria, Indonesia and Uganda for the excellent work they have done in hosting a series of regional workshops. The results of those workshops were discussed at the outstanding Global Conference on Reclaiming the Protection of Civilians under International Humanitarian Law, hosted in Oslo by the Government of Norway. Having been an active participant at the Vienna and Oslo meetings, Croatia strongly supports all measures that can lead to improving the situation of civilians in armed conflict, and we would like to firmly support the Oslo Conference recommendations in that regard.

Although international humanitarian law has established a comprehensive legal framework to protect civilians from the effects of military operations, that framework stands in stark contrast to the situation faced by civilians on the ground in conflict-affected areas. Nowadays, in the conduct of armed conflict, it is civilians who often become the main target of armed attacks and atrocities — murder, deportation and ethnic cleansing, as well as rape and sexual violence and violence against health care facilities. That often happens not only as a consequence of war operations, but as a result of the methods and means used in conducting war. In that respect, resolution 1894 (2009) — with its strong condemnation of attacks directed against civilians as flagrant violations of international humanitarian law — stands out as an indispensable instrument to be used as much as possible.

In current times, which are still plagued by many armed conflicts, a strong need exists for an appropriate understanding of international humanitarian law. For its part, Croatia has invested serious efforts in strengthening the role of international humanitarian law and paving the way for the application of criminal justice against violators. The 1949 Geneva Conventions and their 1977 Additional Protocols occupy a special place in Croatia's international commitments, as they

were the first international treaties to which Croatia became party. Today, Croatia is party to almost all international humanitarian law treaties and is widely recognized as a country with national legislation that is complementary to international humanitarian law.

Furthermore, Croatia continues to implement modern international standards through domestic legislation and to familiarize the general public with international humanitarian law. It goes without saying that civilians are the most vulnerable and unprotected group in any armed conflict — women and children in particular. But women can also play a specific and unique role in the prevention and resolution of armed conflicts, as well as in post-conflict reconstruction and peace consolidation.

With that in mind, Croatia has been actively engaged in the Friends of Women, Peace and Security group of countries in promoting the implementation of resolution 1325 (2000), on women and peace and security. In cooperation with civil society, a national action plan on the topic was created and adopted by the Croatian Government two years ago.

Furthermore, Croatia adopted the Paris Commitments and Principles — documents that strengthen global efforts against impunity for crimes against children. It is our view that continued attention to the specific needs of women and children, as well as to their vulnerabilities during and after armed conflict, must form part of any effective policy for the protection of civilians and of every significant peacemaking or peacekeeping effort, including relief operations. Failure in that field involves much more than a lack of political success: such failure is measured in human lives and misery.

Individual States bear the responsibility to protect their populations from such appalling atrocities. At the same time, the international community has a responsibility to help protect populations and to take collective action through the Security Council — if and when national authorities manifestly fail to protect their population.

Furthermore, the fight against impunity and the establishment of the rule of law are of crucial significance in ensuring that the most severe crimes do not go unpunished. Croatia firmly believes that those who violate human rights in armed conflicts today should know that they will face justice tomorrow.

Finally, I would also like to take this opportunity to call attention to the fact that Croatia, in its capacity as Chair of the Peacebuilding Commission, will organize, together with UN-Women, a special meeting, on the margins of the sixty-eighth session of the General Assembly, dedicated to the economic empowerment of women for peacebuilding. It will take place on 26 September.

The President (*spoke in Spanish*): I now give the floor to the representative of Slovakia.

Mr. Ružička (Slovakia): First, I would like to commend Argentina for choosing this important topic for today's open debate. Of course, my country's words of thanks also go to Secretary-General Ban Ki-moon, to the High Commissioner for Human Rights, Ms. Navanethem Pillay, and to Mr. Philip Spoerri, Director for International Law and Cooperation of the International Committee of the Red Cross, not only for today's briefings, but for all of their active dedication to this important topic.

The history of humankind is, unfortunately, a history of war and conflict. The loss of any life is a sad story. When a soldier dies, it is a tragedy. But when a civilian, woman, or child is killed it is a tragedy and a crime. As it was said in the 1960s, "war is not healthy for children and other living things".

At the outset, I would like to align myself with the statement made earlier by the observer of the European Union.

The implementation of and compliance with international humanitarian and human rights law, together with respect for the rule of law, are core requirements for the protection of civilians from atrocities committed during armed conflict. But there is a paradox. On the one hand, never before has the so-called right to the integrity of life been universally recognized. In the final decades of the twentieth century, human rights documents of sweeping scope and rigorous specificity were produced. On the other hand, despite that fact, during the conflicts recognized between 1934 and 1994, at least 80 per cent of the approximately 20 million killed and 60 million wounded in declared wars, civil wars and other major conflicts have been civilians. Of those, three of every five have been children.

Since the 1990s, we have witnessed many new conflicts, most recently in Syria and Egypt, and

earlier, in Rwanda and Chechnya, where civilians have been — or are being — killed on a massive scale, or internally or externally displaced. More often than ever, situations occur in which the international community fails to protect civilians — mainly women and children — and fails to provide basic humanitarian assistance, not to speak of protection.

Violations of the medical neutrality granted by the 1949 Geneva Conventions, customary international law and medical ethics are routine in almost every current conflict. The recent attacks against doctors in Somalia represent only one example to add to the mosaic of massive abuses carried out in the past in many countries on every continent, without exception.

Instead of stepping up efforts and effective cooperation at the local and global levels, we have entered the twenty-first century bearing the heritage and reappearance of one of the ugliest human rights abuses, namely, conflicts in which the central purpose of military action has been the forced removal of civilian populations from their homes and land on the basis of religion, nationality or ethnic identity.

Our task in this Organization is — or should be — to make every effort, using all legal and diplomatic tools, in order to prevent conflict. If we are unable to prevent a conflict, we should join together to end it as soon as possible. If we fail again, we should protect those who may be in the wrong place at the wrong time and are unable to protect themselves — they are mostly women and children.

The most heinous crimes committed during armed conflict cannot stay unpunished. We therefore consider the International Criminal Court to be a key judicial body with a leading role in the fight against impunity. We call on the full United Nations membership to ratify the Rome Statute and thus achieve its universality.

Slovakia is a small country, but it is ready to support any activity leading to an improved system at both the international and the national levels. The implementation of the pledges made by Slovakia at the thirty-first International Conference of the Red Cross and Red Crescent in 2011 is in progress. We have also joined the initiative of the Governments of Norway, Argentina, Austria, Indonesia and Uganda on reclaiming the protection of civilians under international humanitarian law. In addition, in November 2012, the Ministry of Foreign Affairs organized a special seminar on the protection of children in armed conflict.

Many words have been spoken here by many countries. But what we lack is a genuine common, determined and effective effort to reach those goals.

Slovakia is concerned about the deterioration of the situation in Syria, where humanitarian law has been gravely violated and many innocent civilians are dying every day. We encourage the members of the Security Council to act by referring the situation in Syria to the International Criminal Court so that the perpetrators, no matter what side they are on, will face independent and unbiased justice.

One of the best possible ways to decrease the number of victims is the elimination, reduction and control of all kinds of arms. Therefore, we strongly encourage the early ratification of the Arms Trade Treaty, and we call upon all other instruments in this area to be strongly adhered to by the international community.

The President (*spoke in Spanish*): I now give the floor to the representative of Armenia.

Mr. Nazarian (Armenia): Madam President, I join previous speakers in thanking you for presiding over this important debate. It is commendable that the Council has continued its practice of holding open debates on the protection of civilians, featuring briefings by the Secretary-General, Under-Secretary-General Amos, High Commissioner for Human Rights Pillay, and Director for International Law and Cooperation Spoerri of the International Committee of the Red Cross (ICRC).

Today's debate offers the Council an opportunity to evaluate progress on key issues, such as on the implementation of previously adopted resolutions on this matter, and to indicate areas where additional focus is necessary, including enhanced compliance with international humanitarian law and strengthened accountability for violations. Ensuring such accountability and enhancing compliance with international legal obligations by parties in conflict should be viewed as key elements in the Council's responsibility to maintain international peace and security.

We acknowledge the usefulness of discussing in the Council, on a regular basis, issues relevant to the protection of civilians and note with appreciation the continuing efforts of the ICRC. We commend the latter's role in the promotion of international humanitarian law and monitoring compliance with it. In recent years,

Member States and civil society groups have increased their efforts to address the protection of civilians in conflict and post-conflict situations. In its previous resolutions and presidential statements, the Council has recognized that respect for international humanitarian law is an essential component of protection. We affirm that the protection of civilian populations should be an important aspect of any comprehensive strategy to resolve conflicts.

The Secretary-General's reports have also contributed to the consideration of this critical issue and have highlighted the need to translate normative commitments into concrete improvements in order to enhance compliance with international humanitarian law. Therefore, we share the views expressed by some participants in this debate, who have called for more systematic attention to be paid to the protection of civilians.

We remain alarmed by the worsening of the humanitarian situation of the civilian population in Syria and condemn all attacks, kidnappings and terrorist acts that indiscriminately target civilians, including minority groups. For Armenia, the situation in Syria is not just another news headline. We continue to receive refugees that are deeply worried about the escalation of violence. Over 100,000 Armenians remain in that multiconfessional and multi-ethnic country, among growing violence and an escalating humanitarian crisis. We have seen their homes and churches destroyed or damaged, their safety and security taken away from them. As the conflict continues, the humanitarian situation worsens. A great number of Armenians in Aleppo and Damascus are struggling to survive amid unbearable conditions together with many Syrian citizens.

We are convinced that to address that kind of situation, we must abandon selective approaches to violations of international humanitarian law. There must also be strict adherence to human rights standards.

Armenia believes that the international community must effectively seek thorough compliance by all parties to armed conflict with the norms of international humanitarian law and recommend that the parties take all necessary measures to ensure rapid and unimpeded access by humanitarian actors. We also believe that increased efforts are essential to strengthen accountability for mass atrocities. It is commendable that for the last two decades the Council has continued to focus on the responsibility of States to end impunity and to thoroughly investigate and prosecute persons responsible for grave violations of international humanitarian law and human rights law to avoid the recurrence of such violations and to seek justice.

As the Secretary-General notes in his latest report (S/2012/376), the issue of reparations also should be addressed, as victims often require assistance and justice.

This March, the Human Rights Council adopted a resolution on the prevention of genocide that, inter alia, stresses the importance of the promotion of truth, justice and reparations and that perpetrators should be held criminally accountable at the national and international levels. The resolution also affirms the primary responsibility of States to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity, which is part of our common responsibility to protect. Strengthening accountability based on truth and justice therefore requires a deeper commitment and a broader vision of the future.

In the presidential statement adopted two weeks ago (S/PRST/2013/12), the Council emphasized that ending impunity is essential in a conflict and post-conflict society's efforts to come to terms with past serious crimes, and in preventing future crimes, under international law. Armenia strongly shares that approach in working to address the peaceful and political resolution of disputes in different parts of the world.

In conclusion, let me mention that Armenia supports the implementation of resolutions previously adopted by the Council, in particular resolution 1894 (2009), which provides important guidance to ensure the effective protection of populations in armed conflicts. We therefore welcome Argentina's initiative to hold this open debate. It offers a valuable opportunity to translate advancement at the normative level into tangible progress on the ground and renew our commitment to the protection of civilians.

The President (*spoke in Spanish*): I now give the floor to the representative of Hungary.

Mr. Hetesy (Hungary): Hungary aligns itself with the statement delivered on behalf of the European Union. As a member of the Anti-Corruption and Transparency Working Group, seeking improvements in the working

methods of the Security Council, Hungary warmly welcomes today's open debate, organized by Argentina.

Hungary, which is committed to the full implementation of international humanitarian law, is party to all relevant major treaties as well as to the Rome Statute of the International Criminal Court. Hungary sees the Kampala amendments to the Rome Statute and the Arms Trade Treaty as important building blocks, solidifying and supplementing the international legal regime on the protection of civilians.

For the last two decades, the protection of civilians in armed conflict has become a priority issue for the Security Council. Yet civilians not only account for the vast majority of casualties in conflict situations, but the numbers are reaching appalling record highs even as we speak.

As has been repeatedly emphasized today, States bear the primary responsibility to protect civilians in times of armed conflict and to bring to justice those who violate related international norms, including international humanitarian law. Besides States, all parties to a conflict have an obligation to comply with the relevant norms of international law. Yet we see States failing to provide protection and other actors behaving as if they were under no obligations at all. While there is a clear-cut role for the international community in situations where States are unwilling or unable to live up to their responsibilities, it has not been able to do enough. As the Secretary-General himself mentioned, commitments still have to be translated into concrete improvements.

There are different reasons for the setbacks encountered. Hungary, together with other speakers and briefers today, continues to stress that, among other things, lack of accountability, and therefore the possibility of impunity, is an overall source of blame. Lack of accountability means no justice. Human history tells us that there is no lasting peace without justice. Lack of accountability not only kills in the present but becomes an incentive and a breeding ground for future atrocities.

Where civilians are targeted, the Security Council should take all measures at its disposal to protect the civilian population. Such measures must include ensuring that the perpetrators of serious crimes are held accountable, even in cases where national authorities fail to prosecute them. In order to do so, the Council should develop its own general and coherent accountability strategy and apply it in a consistent manner. Hungary welcomes the Council's presidential statement contained in document S/PRST/2013/2, on the protection of civilians, and the commitments made towards strengthening accountability. Hungary looks forward to hearing about further practical steps to be taken by the Council, as proposed today by several Council members, including Australia, the United Kingdom and France.

The President (*spoke in Spanish*): I now give the floor to the representative of Chile.

Mr. Gálvez (Chile) (*spoke in Spanish*): I have the honour to speak on behalf of the members of the Human Security Network, namely, Austria, Costa Rica, Greece, Ireland, Jordan, Mali, Norway, Panama, Slovenia, Switzerland, Thailand, my own country, Chile, and on behalf of South Africa, as an observer.

First, I would like to thank the Argentine presidency for having convened this meeting on the protection of civilians in armed conflict, with a focus on humanitarian issues. The Human Security Network was created in the context of the Ottawa Convention prohibiting landmines, and the protection of civilians in conflict has always been central to our concerns. We cannot overemphasize the importance of discussions such as today's, on how best to ensure the security and dignity of civilians affected by armed conflict.

In that respect, I would also like to thank the Secretary-General for his presentation, as well as the High Commissioner for Human Rights, Ms. Pillay, for her contribution to the debate on this challenging issue. We also believe that the statement made by the representative of the International Committee of the Red Cross is of particular relevance, as it highlighted, inter alia, one of the key elements of the issue, namely, the implementation of international humanitarian law.

Despite the unrelenting efforts of the international community, civilians continue to account for the majority of casualties in armed conflicts. Their situation becomes even more precarious when they are deliberately targeted or indiscriminately attacked or when they are viewed as a strategic asset in a conflict.

The Human Security Network remains concerned by the difficulties faced in taking action to ensure the protection of civilians in Syria. The current debate provides an opportunity to consider the most pressing aspects of the issue. These include, first, compliance

by the parties to the conflict with international humanitarian and human rights law, in order to guarantee the protection of civilians and, among them, the most vulnerable groups, including women and children; secondly, to ensure the full implementation of protection mandates by peacekeeping and other relevant missions; and, thirdly, to explore ways to bolster accountability for violations of international humanitarian and human rights law. In that regard, the Human Security Network welcomes the briefing by the Independent International Commission of Inquiry to the General Assembly given last July.

It is true that a lack of accountability and justice incites perpetrators to continue their heinous acts. As the most recent report of the Secretary-General (S/2012/376) underscored, the role of the Security Council is crucial in encouraging and assisting States in their efforts to combat impunity and reinforce accountability; however, it is States themselves that bear the primary responsibility to ensure and respect the human rights of individuals within their territory and to protect their populations from mass atrocities.

Against that backdrop, we stress the importance of commissions of inquiry and fact-finding missions, which can substantiate alleged violations, thus opening the way for a possible referral to the International Criminal Court.

Although instances of failure to protect civilians rightfully receive widespread publicity, it is important to recognize that tens of thousands of United Nations peacekeepers risk their lives every day in order to protect civilians. In that respect, the mandates of peacekeeping and other relevant missions are an element that is pivotal to the issue of the protection of civilians in armed conflict and therefore need to be strengthened and effectively implemented.

The addition of broader objectives to missions' mandates must be accompanied by a proportionate increase in resources. The strengthening of mandates will improve monitoring and prevention as well as the capacity for a targeted and coordinated response when incidents do occur. We also recognize the protection role of other humanitarian actors, including the International Committee of the Red Cross and non-governmental organizations.

The full and unimpeded access of humanitarian assistance continues to be a sine qua non for the relief of affected populations, including in particular the most vulnerable groups, such as women and children. In that regard, we unequivocally condemn sexual and gender-based violence, including the use of sexual violence as a military tactic. Moreover, the effective protection of civilians requires that health-care facilities, schools, teaching staff, transport, humanitarian personnel and people seeking medical treatment be unconditionally spared from attacks and acts of displacement. We should always keep in mind that one of the most disastrous impacts of conflict is on refugees and internally displaced persons; we therefore need to tackle that challenge by taking measures that facilitate voluntary return, repatriation and reintegration.

Let me also stress Network members' strong concern over the use, in populated areas, of explosive weapons that cause severe harm to individuals and communities. Such weapons are indiscriminate within their zones of detonation and therefore pose unacceptable risks to civilians. We call on all relevant actors to refrain from using such weapons in densely populated areas. We believe that more systematic data collection would be important in that respect.

Last but not least, we would like to reiterate our concern about the safety of journalists in conflict situations. Unfortunately, and despite a clear normative framework and repeated calls on the part of the international community to put an end to such attacks, media professionals, too, continue to become civilian casualties while attempting to report and brief us on the realities on the ground. According to the International News Safety Institute, no less than 43 journalists and news workers have died this year trying to cover situations of armed conflict and civil unrest. We welcome the open debate on the protection of civilians and the protection of journalists held under the American presidency of the Council on 17 July (see S/PV.7003), and we urge the Security Council to consider the situation of journalists in armed conflict in a more proactive and systematic way in the context of country-specific discussions and to further promote the implementation of resolution 1738 (2006).

We support the continued consideration of the issue of the protection of civilians on a biannual basis, with the appropriate inputs, including from the Secretary-General, the Office of the High Commissioner for Human Rights and the Emergency Relief Coordinator.

The President (*spoke in Spanish*): I now give the floor to the representative of Denmark.

Mr. Petersen (Denmark): I have the honour to speak on behalf of the Nordic countries, namely, Finland, Iceland, Norway, Sweden and my own country, Denmark.

On this World Humanitarian Day, we welcome Argentina's initiative to hold an open debate on the protection of civilians in armed conflict, ahead of the upcoming report of the Secretary-General.

Let me, at the outset, reconfirm our unwavering commitment to respecting and promoting international law. The laws and obligations that apply during armed conflict must be respected everywhere, regardless of who is fighting and where the fighting goes on. We call on parties to armed conflicts around the world — States as well as non-State actors — to fully respect international humanitarian law, human rights and international refugee law. In particular, the need to protect vulnerable groups in conflict, such as women, children, elderly people and persons with disabilities, must be respected at all times.

Civilians affected by armed conflict need immediate humanitarian relief. Under international humanitarian law, the parties to an armed conflict have a legal obligation to allow and facilitate the rapid and unimpeded passage of humanitarian assistance, and to ensure safety from attacks for humanitarian aid workers and accountability for attacks against such workers. We call on all parties to armed conflicts around the world to respect that humanitarian obligation, without exception or precondition. In particular, we recall the obligation to respect the wounded and sick, health-care personnel and facilities and medical vehicles and to take all reasonable measures to ensure safe, prompt and unhindered access for the wounded and sick to health care.

When addressing the global legal framework for the protection of civilians, it is important to mention the Arms Trade Treaty (ATT) . We view the ATT as a means to reduce illicit trafficking and alleviate human suffering in armed conflicts, and we call for rapid ratification and implementation of the ATT by all States Members of the United Nations.

During armed conflicts, the risks faced by civilians will always differ depending on the context and on whether they affect boys or girls, men or women. Sexual assaults during warfare have horrendous implications for victims and entire communities and must simply stop. We re-emphasize the commitment by all Member States to end sexual violence in armed conflicts, and we welcome recent steps taken at the international level to that end. The inclusion of gender-based violence in the Arms Trade Treaty serves as an example. Women and girls who become pregnant after being raped as part of warfare in an armed conflict must have access to adequate sexual and reproductive health services, including access to emergency contraception and safe abortion. We need to eliminate the widespread impunity of the perpetrators of sexual violence in conflict, and we strongly support the work of Special Representative of the Secretary-General Bangura and other international initiatives to that effect.

We must insist that those who commit war crimes, crimes against humanity and other violations of international law must be held accountable before the law. Impunity must not be an option. We recall that in every situation the State has the primary responsibility to maintain the rule of law and ensure accountability. If the State is unwilling or unable to investigate and prosecute these international crimes, the international community should offer its support. The International Criminal Court (ICC) and other international tribunals play a crucial role. In that context, we especially want to remind those in Syria who are responsible for atrocities and human rights violations and abuses that they will be held accountable.

The Security Council must do its part to ensure accountability when violations of international humanitarian law and human rights law have occurred, as they have in Syria. On that note, we welcome the first open debate in the Security Council, held on 17 October 2012, on peace and justice and the role of the ICC (see S/PV.6849). We look forward to seeing regular follow-up on this topic, in particular on how the Council can lend stronger support to the Court in cases of non-cooperation with the ICC.

Accountability requires facts and investigations. We welcome the international commissions of inquiry and fact-finding missions carried out under the auspices of the Human Rights Council and those initiated by the Secretary-General. They are important mechanisms to verify and investigate allegations of serious violations of international human rights law and international humanitarian law. Attention should also be drawn to the International Humanitarian Fact-Finding Commission, which regrettably has remained virtually unused by parties to armed conflict. In that connection, we welcome the initiative by Switzerland

and the International Committee of the Red Cross concerning the possibility of establishing a mechanism to improve compliance with international humanitarian and human rights law.

In order to protect civilians and promote accountability in post-conflict situations, securing documentation during and after an armed conflict is essential. Parties to a conflict should ensure proper documentation of the conduct of military operations, for example by mapping areas that may be contaminated by unexploded ordnance and by conducting systematic casualty recording. States and other parties to an armed conflict must also ensure, as our Chilean colleague just stated, that journalists' right to protection as civilians be respected at all times. They should find ways to improve the protection of journalists and other media actors reporting from conflict areas and respect their right to carry out their important work.

The requisite preventive measures and full respect of international law are essential for ensuring that civilians are protected in armed conflict. The responsibility to protect populations from genocide, war crimes, crimes against humanity and ethnic cleansing has emerged as an important global principle since the adoption of the 2005 World Summit Outcome. The principle makes clear that sovereignty can never be used as a shelter for committing mass atrocities, that all Governments have an obligation to protect their own population, and that the international community has an obligation to assist Governments in doing so and to react if a State is manifestly failing to protect its population.

In that regard, preventive actions and support to Governments in need from the international community will increase the protection of civilians. Capacity development in host countries is an important preventive tool. Comprehensive rule of law strategies for peacekeeping and peacebuilding missions should include assistance in the areas of access to legal institutions and legislative reform, alongside with support in the areas of policing and the justice chain. To make this effective, the peacekeeping operation in question must also receive the relevant resources and adequate training.

In conclusion, the Nordic countries look forward to the upcoming report by the Secretary-General on this topic, and we would like repeat our previous call for the Secretary-General to regularly report on the state of play, improvements and implementation of the recommendations made in relation to the protection of civilians in armed conflict.

The President (*spoke in Spanish*): I now give the floor to the representative of the Netherlands.

Mr. Van Oosterom (Netherlands): Allow me to express my Government's appreciation to the Argentine presidency for putting the protection of civilians in armed conflict on the agenda for this open debate. Those caught up in conflicts need our attention. They need the attention of our Governments, and they need the attention of the United Nations.

I align myself with the statement made by the observer of the European Union and thank His Excellency the Secretary-General and the representatives of the Office for the Coordination of Humanitarian Affairs, the Office of the United Nations High Commissioner for Human Rights and International Committee of the Red Cross for their valuable briefings.

Yesterday I spent some time on Roosevelt Island, across the water from the United Nations Building. In Roosevelt Park, which is visible from the delegates' lounge down the hall, I saw the famous "four freedoms" speech of President Roosevelt's memorial. President Roosevelt at the time looked forward to a world based on four crucial freedoms, including the freedom of speech, of worship and freedom from want. Importantly for today, the fourth freedom was freedom from fear, anywhere in the world. That vision should inspire our deliberations today. The essence of the protection of civilians in armed conflicts is that it should lead to freedom from fear for the civilians involved. My Government sees three key elements in realizing that ambition, namely, prevention, protection and prosecution.

Let me begin with prevention. For my Government, the international rule of law is the basis for international relations. As my Minister recently said, the promotion of the international legal order is enshrined in the Dutch Constitution. Therefore, Article 33 of the Charter of the United Nations, on the pacific settlement of disputes, is paramount for us. Next week, we will celebrate the one hundredth anniversary of the Peace Palace in The Hague, the legal capital of the world. We will then commemorate the significant ways in which the International Court of Justice contributes to international peace and stability through the peaceful settlement of conflicts.

In our view, the implementation of international human rights instruments, both legal and other, must be strengthened. We welcome the New Deal for Engagement in Fragile States.

To make prevention truly effective, national judicial institutions should be strong enough to have a preventive effect. More States must support the international mechanisms and institutions that offer protection to civilians. With the knowledge that their acts will not go unpunished, hopefully those capable of the worst crimes will be deterred from committing atrocities.

If prevention fails, we must put the protection of civilians in armed conflict into practice. That is the duty of all parties involved, primarily the State and the warring factions, but also of the peacekeeping forces. Peacekeeping operations should focus more on the situation of civilians in armed conflicts, and Security Council resolutions that establish mandates for peacekeeping operations should reflect that moral imperative.

We must increase our efforts to implement resolution 1325 (2000), in order to protect vulnerable women in armed conflict. In building peace, we must take women seriously. We must include their views and interests in political agreements and peacekeeping operations. We welcome the progress that the Department of Peacekeeping Operations has made in that regard, and encourage further cooperation with UN-Women. All such actions should help to protect women and contribute to combating sexual and gender-based violence in areas of conflict.

The Netherlands continues to champion the global principle of the responsibility to protect, and we call on all Member States to support that worthy cause. We welcome the report of the Secretary-General on the subject for 2013 (S/2013/399).

If prevention and protection fail, accountability and prosecution should come into play. Information-gathering during conflicts is therefore an essential element of prevention, since it creates a basis for prosecution. Statistics and data on lives lost, women raped, children killed and schools burned make for horrible reading, but they also create a basis for accountability and for bringing perpetrators to justice, either at the national or international level. For that reason, the Netherlands is co-funding a centre for civilians in armed conflict, aimed at developing guidelines for peacekeepers in the field on preventing harm to civilians and setting up civilian-harm tracking mechanisms in Mali.

I would also like to reiterate the concern voiced by the observer of the European Union about the situation in Syria. Those responsible for the crimes committed in that country should be held accountable and brought before a court. We renew our call on the Syrian authorities to allow full and unfettered access to the High Commissioner for Human Rights. The Netherlands is honoured to host the Syria Justice and Accountability Centre in The Hague. That important institution is funded by more than 40 States and organizations. It takes a non-partisan approach, reaches out to many Syrian individuals, communities and organizations and works closely with many international actors. Such data-gathering creates a basis for accountability and is therefore crucial long-term work for the protection of civilians. Finally, in specific cases, the International Criminal Court can bring justice to civilians harmed by armed conflict.

To sum up, the protection of civilians is closely related to prevention and prosecution. Let us work closely together in applying those three aspects in a comprehensive approach. Together we can achieve freedom from fear for civilians in areas of conflict, and let our common endeavours be inspired by the view across the East River of the Roosevelt Four Freedoms Park.

The President (*spoke in Spanish*): I now give the floor to the representative of Turkey.

Mr. Çevik (Turkey): I would like to express our appreciation to Argentina for organizing this open debate on a very relevant issue, thereby giving us another opportunity to provide input for the Secretary-General's upcoming report on the subject. I would also like to thank the Secretary-General and the representatives of the Office for the Coordination of Humanitarian Affairs, the Office of the United Nations High Commissioner for Human Rights and the International Committee of the Red Cross for their remarks.

On this tenth anniversary of the heinous terrorist attack on the United Nations headquarters in Baghdad, our thoughts are with the survivors and families of the victims. We take this opportunity to pay tribute to the brave men and women serving under the United Nations flag across the world.

The protection of civilians in armed conflict is a shared concern and a top priority for the international community. Unfortunately, the vast majority of casualties in armed conflicts continue to be civilians. We condemn all attacks on civilians and are deeply concerned about their destructive effects, particularly on women and children. More effort must be made to enhance compliance with international humanitarian, human-rights and refugee law so as to protect civilians more effectively. Furthermore, the principles of distinction and proportionality must be upheld. At the same time, we should always strive to provide humanitarian aid to affected populations, and the parties involved in conflicts should take all necessary measures to ensure unimpeded and safe humanitarian access. Accountability for serious violations of international humanitarian and human-rights law must be strengthened in order to bring the perpetrators to justice and prevent future crimes.

There is no doubt that the primary obligation for protecting civilians lies with States. However, the international community also has a shared responsibility to help protect civilians in situations where States clearly fail to do so. The Security Council has a particular and inevitable obligation in that regard, which has direct consequences on the ground.

Syria is a case in point for all the issues I have just raised. The humanitarian situation in Syria is grimmer every day. The regime, which has tried to suppress the legitimate demands of its people through the indiscriminate use of force, has failed to fulfil its responsibility to protect its civilians. The bloodshed there must be ended with a political solution and a meaningful transition.

Unfortunately, the work of the humanitarian institutions trying to provide assistance to Syrian internally displaced persons is being severely hampered by the bureaucratic hurdles created by the Syrian regime and confirms the relevance of the calls for unhindered access to all areas by the most convenient and effective routes. New and creative methods are needed to ensure safe and sustainable humanitarian access, including for cross-border operations. Turkey is doing its utmost to respond to the consequences of the Syrian crisis. We are currently hosting more than 200,000 Syrians in 20 camps, maintaining decent living conditions and providing for their health, education and social needs. The total number of Syrians who have sought shelter in various parts of Turkey now exceeds half a million, and the resources allocated to Syrians in need have surpassed $1.5 billion. Turkey will continue to stand by the Syrian people.

However, as we have said on numerous occasions, the principle of burden-sharing should not be disregarded and the international community, and the Security Council in particular, should shoulder its responsibility to act urgently, resolutely and collectively. That being said, I would like to emphasize that this platform has been abused once again by one delegation making baseless allegations that Turkey has already categorically rejected. That cannot dissuade us from standing firmly by the Syrian people, whose voice, unfortunately, cannot be heard here.

With reference to some of the issues highlighted in the concept note for today's debate (S/2013/447, annex), and in view of the Secretary-General's upcoming report on the subject, I would like to underline three additional important issues.

First, with regard to the application of the concept of the protection of civilians, let me reiterate our position that counter-terrorism efforts do not constitute armed conflict and cannot be considered as such. We should make a clear distinction between counter-terrorism efforts by law enforcement agencies and armed conflict. But we must also be cautious about deliberate attempts to portray legitimate popular movements as terrorism. Turkey strongly condemns all acts of terrorism and acknowledges the legitimate right of Governments to combat them.

The second point we would like to raise relates to the issue of dialogue with non-State armed groups. We uphold the principle of humanitarian access to civilians. However, we also believe that in doing so we should be extremely careful not to give terrorist organizations any sense of legitimacy. Terrorist organizations in various parts of the world attempt to exploit humanitarian approaches in order to gain international acceptance and recognition.

Thirdly, we believe that United Nations documents should not refer positively to non-governmental organizations that are known to have been exploited by terrorist organizations.

The President (*spoke in Spanish*): I now give the floor to the representative of Canada.

Mr. Rishchynski (Canada): As Canada's Ambassador and Permanent Representative to the

United Nations, I am both honoured and humbled to come before the Security Council on World Humanitarian Day and the tenth anniversary of the attacks on the United Nations Canal Hotel headquarters in Baghdad on 19 August 2003. That event has particular resonance for Canadians, as two Canadian citizens perished in the attack. We were moved this morning by the words of Jason Pronyk, a Canadian staff member of UNICEF, who spoke on behalf of the survivors. Those who perished in Baghdad and who have perished United Nations missions around the world were there working on behalf of the protection of civilians, which stands at the very heart of both the values and the actions of the Organization.

(*spoke in French*)

Canada is pleased to participate in today's open debate on the protection of civilians in armed conflict.

The Secretary General's 2012 report on the subject (S/2012/376) highlights the many protection challenges faced by civilians in today's conflict situations. In many cases, civilians continue to be denied the protection they are entitled to under international and domestic law.

All civilians deserve protection from deliberate violence and abuse. We must take action to defend the rights of vulnerable religious communities that are persecuted in situations of armed conflict for their beliefs. In that regard, we strongly encourage United Nations agencies to better take into account the needs of persecuted religious communities, including members of the Christian community, which have been targets of persecution and forced to flee from conflicts in the Middle East.

(*spoke in English*)

Women and girls around the world continue disproportionately to be victims of sexual violence in armed conflict situations. We must therefore persevere in our efforts to prevent sexual violence, including rape as a weapon of war, sexual slavery, enforced prostitution, forced pregnancy, forced abortion and forced sterilization. Canada remains deeply committed to denouncing violence against women and improving the lives of women and girls. Through our humanitarian assistance, we support humanitarian actors who assist in the protection of women and girls in conflict situations. Those efforts are complemented by other initiatives, such as training African women security personnel, helping women participate more fully in peace processes and assisting victims of sexual violence by improving access to the courts and truth commissions. We urge the Council to ensure that provisions for the prevention of and response to sexual violence be included in its mandates and resolutions and to ensure that such provisions are fully implemented.

(*spoke in French*)

Canada is deeply concerned by the deadly violence occurring in Egypt. We are disquieted by recent attacks on religious institutions in that country, in particular the unconscionable attacks on Coptic Orthodox and Anglican churches and on Baptist and Franciscan institutions. Attacks on places of worship are totally unacceptable. Canada calls on the Egyptian authorities to protect worshippers and religious sites from any type of violence or intimidation. We call for an end to the violence and for the launching of meaningful political dialogue for the good of all Egyptians. Our thoughts go out to the families and friends of those killed in the violence, and we wish a speedy recovery to the injured.

(*spoke in English*)

The brutal conflict in Syria is also a stark example of how much work remains to be done to better protect civilians who have routinely suffered as victims of deliberate and targeted attacks, as have hospitals, medical facilities and health-care workers. The result is that people in desperate need are denied lifesaving humanitarian assistance. The worsening situation is taking a heavy toll on the civilian population, which accounts for the vast majority of the more than 100,000 casualties to date. Canada calls on all parties to the conflict in Syria to refrain from attacking civilians and other protected persons and facilities, in accordance with their obligations under international law. We call on the Security Council to implement effective economic sanctions against the Al-Assad regime and to adopt a resolution allowing for the cross-border delivery of humanitarian assistance.

While the crisis in Syria is perhaps the most prominent example of current challenges to the protection of civilians, it is far from unique. One need only look at the situations in Afghanistan, the Sudan and South Sudan, the Democratic Republic of the Congo, inter alia, to see that threats to people's basic human rights, physical security and lives in general continue unabated. Such emergencies should serve as stark reminder of the work that remains to be done.

(*spoke in French*)

In too many instances, humanitarian access is politicized and deliberately obstructed. Civilians are in need of assistance and are held hostage to the whims of Governments and non-State armed groups trying to achieve their own political goals. Those who commit violence and deadly attacks against civilians, including aid workers, must be held to account. The protection of civilians is one of the most important functions of United Nations peacekeeping operations. Success or failure in the protection of civilians is perhaps the most visible and tangible indicator of a mission's success and of the effectiveness of multilateral action. Therefore, it is essential that the Council undertake all efforts, through close coordination with the Secretariat and troop-contributing countries, to provide United Nations missions with well-defined and achievable mandates for the protection of civilians, as well as adequate resources for carrying out such tasks.

(*spoke in English*)

We underline that the Council must exercise the full range of options at its disposal to prevent and halt the perpetration of violence against civilians in armed conflict. We must all step up our efforts to protect the world's most vulnerable people and ensure that those responsible for violations are brought to justice. I can assure you, Madam President, that Canada will not remain silent when it comes to identifying and condemning those who commit deliberate and barbaric attacks on civilian populations.

The President (*spoke in Spanish*): I now give the floor to the representative of Nigeria.

Mr. Sarki (Nigeria): On behalf of my delegation, I would like to thank you, Madam President, for the initiative you have taken to organize today's very important debate on the protection of civilians in armed conflict and for the concept note you have circulated to facilitate our discussions (S/2013/447, annex).

The efforts to build consensus on the subject and the progressive development of normative frameworks to address civilian protection challenges, including those in resolutions 1738 (2006) and 1894 (2009), are very encouraging developments.

We recognize the importance of the collective efforts of the various entities of the United Nations to ensure apposite protection for civilians from the terrors of conflict. We are all witnesses to the impact the United Nations and its partners have had in mitigating human suffering in conflict zones around the globe. The United Nations and regional and subregional organizations have also continued to play a vital preventive and mediation role in countries on the brink of conflict.

Despite those notable developments, the grim reality of today is that civilians still bear the brunt of conflict and are direct targets of abduction, sexual violence and the denial of humanitarian access. Recent developments have underscored the failure to comply with the law. We continue to encounter obstacles as we endeavour to address the five core challenges articulated in the Secretary-General's report (S/2012/376).

The assault on civilians, especially women and children, and the denial of humanitarian assistance in places such as the Democratic Republic of the Congo, the Central African Republic and other conflict zones, illustrate the magnitude of the task of civilian protection. Difficult protection challenges also remain in Syria and Somalia, and the situation in Mali may present serious protection challenges, for which the international community must be prepared.

As stakeholders in international peace and security, our efforts should be directed at addressing constraints that militate against the effective protection of civilians. Protection for the civilian population is a basic element of humanitarian law. Civilians and all those not party to conflict must on no account be targeted deliberately and must be spared and protected. The 1949 Geneva Conventions and their 1977 Additional Protocols contain specific rules to that effect.

In order to rededicate ourselves to the moral undertaking to protect defenceless civilians in conflict situations, it is imperative that we deepen our commitment to bolster accountability for violations of international humanitarian and human rights law. It is time to put our words into action and adopt standardized measures to bring persistent perpetrators of violence against women and children to justice. In that connection, the Council should take the lead by adopting targeted measures against such perpetrators. On their part, States must not hesitate to take appropriate legal action against perpetrators of such heinous acts, following extensive investigations.

We must ensure that the export of arms and related weapons vis-à-vis by those perpetrators are henceforth regulated for probity, transparency and justice to

innocent victims. The United Nations system has done a lot in that regard. The Firearms Protocol, the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, as well as the recently adopted Arms Trade Treaty, are veritable tools fashioned towards the achievement of that objective. States must strengthen their resolve to ensure the appropriate implementation of those instruments.

As a major troop-contributing country, Nigeria is conscious of the efficacy of peacekeeping missions in the protection of civilians in situations of armed conflict. To further enhance their effectiveness, it would be necessary to facilitate the implementation of their protection mandates.

I must stress that our growing understanding of the needs and vulnerabilities of civilians in armed conflict must be marked by the ability and capacity to protect. Parties to conflict, as well as non-State actors, have a legal obligation to ensure compliance with international humanitarian and human rights law where the protection of civilians, including and in particular health providers, women and children, is the main focus. Parallel and equally important is the moral obligation we also have to prevent attacks against health-care facilities and providers; violence against women and children, especially sexual violence, which women and girls are subjected to; and other various forms of debasement that innocent civilians are subjected to in times of armed conflict.

Finally, it is important that we consolidate and ensure implementation of the existing normative framework on the protection of civilians, bearing in mind the challenges that I have enumerated. The international community should remain vigilant and bear its fair share of our collective responsibility to protect all civilians in situations of conflict. If we act purposefully and in concert we can certainly better shield civilians from the ravages of armed conflict.

The President (*spoke in Spanish*): I now give the floor to the representative of Namibia.

Mr. Shaanika (Namibia): I thank you, Madam President, and your country, Argentina, for organizing this open debate on the important issue of the protection of civilians in armed conflict. I would also like to thank the Secretary-General for his informative briefing, as well as Ms. Navanethem Pillay, United Nations High Commissioner for Human Rights; Ms. Valerie Amos, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator; and Mr. Philip Spoerri, Director for International Law and Cooperation of the International Committee of the Red Cross, for their invaluable contributions and briefings. They all made persuasive presentations on the numerous challenges and risks that civilians face in conflicts and in which they are victims.

The protection of civilians in armed conflict can be strengthened by strict adherence to the elements highlighted by the reports of the Secretary-General, which are, enhancing compliance by parties to conflict with international law, enhancing compliance by non-State armed groups, enhancing protection by United Nations peacekeeping and other relevant missions, improving humanitarian access and enhancing accountability for violations of international humanitarian law.

The Namibian delegation appreciates the fact that, since adopting resolution 1265 (1999), the Security Council has been addressing the issue of the protection of civilians in conflict and has adopted numerous resolutions on that issue. The international community has long had in place instruments of international law that provide the legal framework for the protection of civilian populations in armed conflicts. They notably include the following: international humanitarian law, in particular the Fourth Geneva Convention of 1949 and the two Additional Protocols of 1977, which established basic rules of conduct during hostilities and the need for making a fundamental distinction between the civilian population and combatants. Those instruments include the prohibition of torture. The protection of particularly vulnerable groups, notably women, the elderly, children and internally displaced persons, are essential elements in protecting civilians in armed conflict. It is more often women and girls who are disproportionately affected in conflict because, in many cases, they have been subjected to rape and other forms of sexual violence.

The preamble to the Charter of the United Nations opens with a firm determination by Member States to save succeeding generations from the scourge of war. Therefore, it is our shared responsibility to protect civilians and vulnerable groups in conflict situations. However, the protection of civilians in conflict situations should not be motivated by factors other than purely humanitarian considerations. Also, double standards and selectivity send the wrong signals to perpetrators of crimes against civilians in armed conflict and make a mockery of justice.

While the primary responsibility to protect the civilian population lies with the Governments concerned, in some conflict situations, it may happen that Governments are unable to act on that responsibility. If their inability is due to a lack of capacity, then the international community should offer its assistance. It is for that reason that, at the World Summit in 2005, Heads of State and Government adopted the global norm known as the responsibility to protect.

However, those assuming the responsibility to protect, in particular under the third pillar of that responsibility, should take extra precautions so that civilians do not become statistics of so-called collateral damage due to the negligence of those assuming responsibility to protect them. Hence, my delegation rejects the usage or deployment of drones as inappropriate for the purpose of protecting civilians in conflict. In most cases, the use of unarmed drones results in the death of innocent civilians. Therefore, enhancing compliance with international humanitarian law, human rights law and refugee law is an obligation that requires strict adherence by all warring parties, including those assuming the responsibility to protect civilians. Those who have been identified and proven to have committed or tolerated war crimes should be held accountable for their crimes.

With the goal of meeting the challenges I have mentioned here, international humanitarian law has been integrated into the training programmes of the Namibian defence force, as well as the Namibian police force, so that when deployed in peacekeeping missions or in any other operations, they will abide by international humanitarian law and effectively assume the responsibility of protecting civilians in conflict.

In conclusion, I wish to reaffirm Namibia's strong commitment to meeting its international obligations, particularly under international humanitarian and human rights law. In doing so, we strive to contribute to the attainment of the noble ideals of reaffirming faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women to live in peace and freedom.

The President (*spoke in Spanish*): I now give the floor to the representative of the Democratic Republic of the Congo.

Mr. Gata Mavita wa Lufuta (Democratic Republic of the Congo) (*spoke in French*): I would like first of all to thank your country, Madam President, the Argentine Republic, for holding this open debate on the protection of civilians in armed conflict. I also take this opportunity to thank His Excellency Secretary-General Ban Ki-moon; Ms. Valerie Amos, Under-Secretary-General for Humanitarian Affairs; Ms. Navi Pillay, United Nations High Commissioner for Human Rights; and Mr. Philip Spoerri, Director for International Law and Cooperation of the International Committee of the Red Cross, for their statements.

The protection of civilians in armed conflict remains for my country, the Democratic Republic of the Congo, a subject of great concern. That is why my delegation welcomes the interest that the Security Council attaches to this issue, which is central to its peacekeeping missions.

As the Council knows, in the Democratic Republic of the Congo, as in other conflict situations around the world, thousands of people continue to suffer every day of the war. As stated here in the Chamber last past month (see S/PV.7011)by Mr. Raymond Tshibanda N'tungamulongo, Minister for Foreign Affairs, International Cooperation and Francophone Affairs of my country, owing to repeated conflicts, the Democratic Republic of the Congo has lost more than six million people, a tragedy that is, in terms of scale, without equal in the history of humankind.

The war situation prevailing in the Democratic Republic of the Congo, particularly in North Kivu and its surroundings, has led to a resurgence in violence and new forms of crime. The massive violations of human rights there include extrajudicial and summary executions, the forcible recruitment of child soldiers, abductions, rape and sexual violence, looting of public and private property and the illegal exploitation of natural resources.

To give the Council an idea of the magnitude of the tragedy, Ms. Kang Kyung-wha, Assistant Secretary-General for Humanitarian Affairs, who visited the region two months ago, noted in her report an increase in the number of displaced persons, which has increased from 1.8 million in early 2012 to 2.6 million today. She also highlighted the 300 cases of rape recorded by the Panzi Hospital every month.

A Government press release of 22 July reported that serious abuses had been committed in the city of Kiwandja, in North Kivu, by terrorists from the Mouvement du 23 mars (M-23). The toll of the violence included 10 houses and 15 shops looted, 13 young

people killed, 7 women raped and 13 people injured. Moreover, those of us who have seen the most recent report by Human Rights Watch, published on 22 July, also on the situation in North Kivu, are no doubt aware of the many unspeakable crimes committed by the M-23 forces.

Besides the M-23 terrorists, 30 armed groups are active in North Kivu province. I will not list all those armed groups, but will just mention the single case of the Allied Democratic Forces — National Army for the Liberation of Uganda. That group, which is associated with Al-Shabaab fighters, recently committed a number of abuses against the civilian population in the area of Beni. During the month of July, they temporarily occupied the town of Kamango and looted several public buildings, the town hospital, pharmacies, the offices of international non-governmental organizations and all motorcycle taxis. Several people were also kidnapped, including the town chief, and nine of them were executed. The thugs even attacked a contingent of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo on patrol.

The situation I just briefly outlined shows the magnitude of the tragedy inflicted on the people of North Kivu. That is why my country is determined to shoulder its responsibilities by investing in the implementation of the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region. As we have stated before, my country has made a great effort in the conflict areas, and significant progress has been made in terms of mitigating the threats to the population's security and improving the Government's management of the security situation.

However, because of the M-23 terrorists, North Kivu continues to experience violence and instability. Despite calls for order by the international community, M-23, which is bolstered by the well-known outside support it receives, continues to cut down human lives and forcibly displace the people of the province.

My delegation would like to highlight that, in legal terms, progress has been made in the field of international law, in particular international humanitarian law, international criminal law and international human rights law. It is dismaying to note that, despite that progress, civilians are still the primary victims of armed conflict. My delegation believes that, in order to more effectively protect populations, those laws must be respected by all parties to a conflict. In that context, the responsibility of the perpetrators of atrocities, whether domestic or foreign, must be clearly laid out, in accordance with the basic rules of international humanitarian law, and sanctions against them must be considered.

My delegation therefore endorses the conclusions and recommendations contained in the report of the Secretary-General (S/2012/376) on ways to translate the Council's commitment to protection into tangible results for people in danger. In the same vein, my delegation appreciates the relevance of the findings of the United Nations High Commissioner for Refugees and Human Rights Watch.

My country welcomes the exemplary efforts undertaken on our behalf by the United Nations through the Framework Agreement and resolution 2098 (2013), which authorized the deployment of the Intervention Brigade. We believe that, through those actions, peace, which is the main condition on which all security is based, will quickly return and thus put an end to the suffering endured by the people in the east of my country.

My country also welcomes the most recent declaration of Goma as a weapons-free area for armed groups. We believe that to be in line with the Intervention Brigade's assigned tasks, one of which is to keep all harmful forces, without exception, from being able to cause any damage.

In conclusion, let me emphasize that the substantial flow of arms throughout the Great Lakes region, particularly in North Kivu, deserves our attention. We believe that the protection of civilians in times of conflict can be effectively ensured only by also fighting against the proliferation of weapons. My delegation therefore calls for sanctions to be imposed on States that, in violating arms embargoes, promote human rights violations by providing weapons to armed groups.

The President (*spoke in Spanish*): I now give the floor to the representative of the Plurinational State of Bolivia.

Mr. Llorentty Solíz (Bolivia) (*spoke in Spanish*): At the outset, on behalf of the Plurinational State of Bolivia, I would like to thank the Argentine Republic for holding this open debate, as well as to congratulate you, Madam President, on the manner in which you have led the presidency of the Security Council during

this month as a whole and during this important open debate in particular. If I am not mistaken, you are one of the few Presidents who has remained in the Chamber throughout the meeting, listening to each and every representative. We are very pleased about that.

The Plurinational State of Bolivia has followed closely the open debates convened by the Council, especially those related to the protection of civilians in armed conflicts. Today we are remembering those who 10 years ago sacrificed their lives for the principles and values of the United Nations and its Charter.

We also acknowledge the reports of the Secretary-General; of Ms. Pillay, the United Nations High Commissioner for Human Rights; of Ms. Amos; and of Mr. Philip Spoerri.

We agree with the five main points set out in the respective reports of the Secretary-General as a response to the various challenges facing us: respect for international law; compliance by non-State armed groups; enhancing protection by United Nations peacekeeping and other relevant missions; improving humanitarian access; and enhancing accountability for violations of international humanitarian law, international human rights law and international refugee law.

Bolivia nevertheless wishes to draw the Council's attention to several issues that should be part of the discussion if we truly wish to consider the structural causes of armed conflicts and, ultimately, international responsibility for the protection of civilians in the framework of international law.

Ms. Pillay's report is both clarifying and alarming. It shows that in recent weeks more than 1,000 people have lost their lives in Iraq; 1,319 in Afghanistan; and more than 100,000 in Syria, since the conflict began. So many others have died, too, elsewhere on the planet.

In sum, one of the fundamental pillars for ensuring the protection of civilians has to do, naturally, with the fight against impunity and full respect for the norms of international law, which are clearly expressed in instruments such as the Rome Statute of the International Criminal Court (ICC). That ideal cannot be translated into reality as long as the possibility of the ICC's having universal jurisdiction is undermined. There cannot be first-class and second-class countries: those that subject themselves to the jurisdiction of the ICC, and those that not only fail to recognize it, but also use it as an instrument for their specific ends.

History is demonstrating to us that, unfortunately, humanitarian law, human rights and democracy, or at least the speeches that mention them, are but a coverup for the geopolitical control and appropriation of natural resources. We wonder, how many times was the defence of those rights brought up as a pretext for invasion and pillage? How many times, when they speak to us about democracy and human rights, should we understand oil, gold or diamonds? How many times are innocent civilians the main victims of the conflict, killed for no reason?

We wish also to draw attention to the privatization of war and to the use by certain States of private contractors, whose responsibility for violations of humanitarian law and human rights is even more difficult to ascertain than that of the regular forces of a State.

We must put an end to the logic of the rule of the strongest and substitute the universal rule of international law. The High Commissioner for Human Rights clearly mentioned drone attacks, which result in civilian victims, where neither responsibility nor the legal basis for such attacks can be determined. If international law is truly for all, and if the principles of the Charter of the United Nations truly apply to all Member States, then there should be no Guantánamo. The fact that one State is spying on all others should not go unpunished. There should be no acts of aggression against Heads of State such as the one suffered by the Head of State of Bolivia, Evo Morales Ayma, when he was travelling through several countries in Europe. Nor should there be impunity for acts such as case of the partner of Guardian reporter Greenwald, who was recently detained for more than nine hours at an airport.

In sum, Bolivia believes that it is necessary to deal with all of these issues in order to defend civilians and prevent them from becoming victims of armed conflicts.

The so-called war on terrorism, as it is designed and applied, uses instruments of terror, and thus its results are comparable to terrorism itself. For that reason, the Plurinational State of Bolivia calls once again on the international community to live up to the speeches made in this Chamber and subject ourselves to the same norms, from the International Criminal Court to international human rights standards.

We also deem it important to note that under that perverse logic, the main beneficiary of today's armed conflicts has been the armaments industry. Hopefully, these days when we all appear to be suspect and all appear almost guilty will soon be over, and international law will triumph over the rule of the strongest.

The President (*spoke in Spanish*): I now give the floor to the representative of the Islamic Republic of Iran.

Mr. Mottaghi Nejad (Islamic Republic of Iran): Madam President, I would like to thank you for having convened this open debate on the protection of civilians in armed conflict. Today marks the commemoration of the tenth anniversary of the attack on the United Nations compound in Baghdad. My delegation joins others in paying tribute to United Nations staff, including Sergio Vieira de Mello, who perished in that brutal and merciless terrorist attack.

The present conflict and violent situations around the world, particularly in the Middle East and North Africa, indicate that civilians are still suffering in massive numbers. Despite the progress made on the issue of civilian protection, there have been some failures as well. A large part of the shortcomings in this field is due to the double standards used and injustices in dealing with different situation of armed conflict, including the situation of territories under foreign occupation, as well as the fundamental failure of parties to respect the principles of international human rights and humanitarian law.

That double standard becomes more visible in the context of the fight against impunity and for accountability for the most serious crimes. I would like here to refer to the crimes committed by the Israeli regime against civilians in Palestine. It seems that that regime, while stoking the crisis in the Middle East, is continuing to base its policies on blaming others, while itself enjoying impunity. There is hardly any need to mention that that regime, with its brutal killing apparatus, is notorious for targeting the civilian population. The mass killing of civilians in Gaza and other occupied territories with the most dreadful and sophisticated arms, including poisonous white phosphorus and cluster bombs, is just one type of crime committed by the regime. The Israeli regime has thus excluded a large number of innocent people from the jurisdiction of international law, as if those people did not deserve the protection required under the Geneva Conventions and international instruments.

In Gaza, 1.5 million Palestinians are deprived of humanitarian assistance and all the basic needs of life. Gaza continues to be the largest prison maintained by the Israeli occupying authorities. We add our voice to the call raised this morning by Ms. Pillay, High Commissioner for Human Rights that

> "[t]he illegal blockade of the Gaza Strip imposing restrictions on the enjoyment of fundamental rights must be lifted. The freedom of movement throughout the occupied Palestinian territory should be ensured."

It is expected that, by ensuring accountability for serious violations of international humanitarian law and human rights, and ensuring justice for victims, our efforts for the protection of civilians would be translated into meaningful and practical actions.

In his written reports and in his statement today, the Secretary-General has emphasized the need for enhancing compliance with international human rights and humanitarian law and enhancing accountability for the protection of civilians. To a large degree, in many conflicts accountability — in particular with regard to extremist and terrorist groups — is the absent factor that paves the way for further violations.

In some instances, terrorist attacks target religious and sacred places and pilgrimage sites, with large numbers of fatalities among pilgrims and innocent people. The Security Council should take measures in preventing such crimes against civilians. Furthermore, due attention should be paid to the root causes of conflicts in order to ensure durable peace and stability.

The root causes behind some conflicts include poverty, exclusion and marginalization, foreign intervention and military excursions and occupation. We are sure that the members of the Security Council consider those elements to be extremely important for the credibility of the Council. In addressing the suffering of civilians in the armed conflicts, the Council should take stock of those causes and seek a balanced solution in resolving conflicts. Justice demands that the perpetrators of crimes be prosecuted and brought to justice. Let us hope that this open debate will be an opportunity to assess the ways and means of providing better protection to civilians in armed conflict situations.

The President (*spoke in Spanish*): I now give the floor to the representative of the Bolivarian Republic of Venezuela.

Mr. Escalona Ojeda (Bolivarian Republic of Venezuela) (*spoke in Spanish*): I thank you, Madam President, for organizing this important debate as an opportunity for dialogue. We welcome the efforts that have been made by the Argentine Republic at the helm of the Security Council.

We, too, would like to join in the homage paid to Mr. Sergio Vieira de Mello.

Similarly, we associate ourselves with the denunciations made by the Permanent Representative of the Plurinational State of Bolivia, especifically with regard to the act of aggression experienced by President Evo Morales Ayma.

The Bolivarian Republic of Venezuela reaffirms its commitment to protecting civilians in armed conflict, for we are convinced that it is up to States, in fully exercising their sovereignty, to ensure the fulfillment of their responsibilities in the promotion and respect for human rights and international humanitarian law, in accordance with the purposes and principles of the Charter and the United Nations.

My delegation believes that dialogue and cooperation in the peaceful settlement of conflicts are appropriate ways to contribute effectively to the protection of civilians and thereby contribute to the achievement of peace. We value the role that the United Nations has been playing, with the support of Member States, in promoting peaceful solutions to conflicts in various regions of the world, in particular the contribution of peacekeeping operations in dealing with such situations.

The emphasis of peacekeeping operations should be on the use of political influence and its integral support functions to the parties in finding a peaceful solution to a given conflict. Peacekeeping operations should be part of the political settlement of a conflict, not an alternative to it.

There are today no conflicts in the Latin American and Caribbean region between countries that could endanger regional or global peace. To the contrary, there has been increasing efforts at regional and subregional integration that have served to promote dialogue and trust among countries, as well as to prevent and avert conflicts between States. Through novel mechanisms, such efforsts are intended to strengthen our democratic systems, thereby creating the conditions, both within countries and collectively, to strengthen a culture of peace.

In that context, Venezuela reaffirms its support for the peace negotiations between the Government of the Republic of Colombia and the Revolutionary Armed Forces of Colombia. Those talks have been taking in Havana, and Venezuela and Chile are participating as observers at the request of the parties. The goal is to bring an end to a conflict that has affected the political and social life of that sister nation for several decades.

As for the current situation in the Syrian Arab Republic, Venezuela reaffirms its support for the search for a negotiated political solution to the internal conflict in that country, which continues to be the victim of the interventionist policies of foreign Powers seeking to overthrow the legitimate Government of President Bashar Al-Assad. In that connection, we deplore the fact that those countries continue to fuel the clashes among various sectors of Syrian society by providing weapons to mercenary groups operating outside the law and perpetrating terrorist acts that cause the loss of innocent human lives. We reiterate our full support for the integrity, unity and political independence of Syria, in accordance with the right to self-determination.

Moreover, the Bolivarian Republic of Venezuela reaffirms its call for an end to violations of international humanitarian law committed by the Israeli military and political elite in the occupied territories and Gaza. We demand that Israel fully abide by the provisions of the Fourth Geneva Convention relative to the protection of civilian persons in armed conflicts.

In that connection, we demand an immediate end to the policy of building settlements in the occupied territories and Jerusalem East, as well as an end to the blockade against Gaza. In addition, it must comply with United Nations resolutions with regard to its withdrawal from the occupied Palestinian territories.

To conclude, I would like to reiterate my country's commitment to the common cause of peace and international security, guided by our shared values in the building of a multipolar system that is free of hegemony and aimed at strengthening a multicentric and inclusive world that fully adheres to international law.

The President (*spoke in Spanish*): I now give the floor to the representative of South Africa.

Mr. Mbalati (South Africa): My delegation would like to express its appreciation to you, Madam President, and your delegation for having convened this important debate on the theme of the protection of civilians in armed conflict. We also wish to express our appreciation to the Secretary-General, the United Nations High Commissioner for Human Rights, the Under-Secretary-General for Humanitarian Affairs and the Director for International Law and Cooperation of the International Committee of the Red Cross for their respective briefings today.

For far too long, many civilians have suffered owing to a lack of protection during armed conflict. Despite a range of efforts by the Council to address the issue of the protection of civilians in armed conflict, we concur with the Secretary-General's conclusion that our record in that regard is very poor.

Protection for the civilian population is a fundamental principle of humanitarian law. Sadly, despite the provisions embodied in the 1949 Geneva Conventions, which have been ratified by almost all nations, their 1977 Additional Protocols, other bodies of international human rights law and our respective national laws, civilians are increasingly becoming the victims of armed conflict and other situations of violence.

The continued deliberate targeting of civilians through such acts as extrajudicial killings, enforced disappearance, arbitrary arrest and detention, torture, sexual and gender-based violence and the recruitment of child soldiers have all become widespread in areas of conflict, creating an atmosphere of fear aimed at further destabilizing and displacing civilian populations.

The International Committee of the Red Cross has reported that in 2012 alone there had been 900 cases in 22 countries of attacks on humanitarian workers, health-care facilities and health-care workers. In many cases, those attacks were fatal. Another alarming feature of armed conflict is the threat posed to the safe delivery of health care. It is through our collective efforts that such senseless acts can be put to a halt. We remain steadfast in our commitment to our international obligations and, as such, will co-host an international workshop on the theme "Health care in danger", intended to draw attention to the plight of health-care workers in armed conflict and other situations of violence.

It will be recalled that, in 2000, we co-hosted, along with the International Committee of the Red Cross, a regional seminar on international humanitarian law, with the objective of reviewing the ratification and implementation of international humanitarian law and discussing developments in the field. The lack of awareness of international humanitarian law remains a critical challenge in many States, including in Africa.

Progress in advancing the protection of civilians will also depend on the consistency with which the Council pursues that goal. Selectivity gravely limits the credibility of the Council in advancing mandates for the protection of civilians and seeking accountability. The Council cannot be seen to place the value of some civilians above others'. While we underline that it is the primary responsibility of States to protect civilians within their borders, an important element of protection is prevention. Armed opposition groups also bear responsibility for ensuring that unarmed civilians are protected, and failure by both State and non-State actors to uphold this responsibility should not go unpunished.

We wish to re-emphasize that accountability must first and foremost be sought at the national level. It remains the sovereign responsibility of States to determine what their judicial mechanisms are in ensuring accountability. Failing that, the international community has a collective responsibility to act, with the utmost adherence to international law, in accordance with the purpose and principles of the Charter, as prescribed in the 2005 World Summit Outcome and the Constitutive Act of the African Union.

It is for that reason that, as peacekeepers, we cannot continue to watch civilians being killed, maimed, raped and displaced. In that regard, the Intervention Brigade of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, which was piloted by the Southern African Development Community and endorsed by the United Nations, is an unprecedented innovation that could eventually serve as a model for the United Nations in the protection of civilians in armed conflict.

In conclusion, South Africa remains unwavering in its commitment to the protection of civilians in armed conflict. The protection of civilians is an important objective that will only be made sustainable by enhancing the capacities of States emerging from conflict in the long term. The objective of peacekeeping should always be to assist countries to end conflicts by empowering

them through security sector reform, disarmament, demobilization and reintegration programmes and the training of effective and professional national security forces in order for them to assume eventual responsibility over their territories.

The President (*spoke in Spanish*): I now give the floor to the representative of Egypt.

Mr. Khalil (Egypt) (*spoke in Spanish*): At the outset, I would like to thank Ms. Susana Ruiz Cerutti, Legal Advisor of the Argentine Ministry for Foreign Affairs, for being here today with us and presiding over this meeting. I would also like to congratulate Ambassador María Cristina Perceval for the excellent manner in which she has presided over the work of the Council this month.

(*spoke in English*)

I would also like to commend the Secretary-General, the United Nations High Commissioner for Human Rights, the Under-Secretary-General for Humanitarian Affairs and the representative of the International Committee of the Red Cross for their participation and important statements.

On the occasion of World Humanitarian Day and the tenth anniversary of the bombing of the Canal Hotel in Baghdad, we would like to pay tribute to those who have lost their lives in service to peace, including Mr. Sergio Vieira de Mello, Special Representative of the Secretary-General to Iraq. Among them also were two brave Egyptians, Ms. Nadia Younes, Chief of Staff of the Special Representative, whom I had the honour to know personally, and Mr. Jean-Sélim Kanaan, member of the Special Representative's staff.

I would like to thank Argentina for the excellent concept note (S/2013/447, annex) it prepared, which provides a valuable contribution to today's debate.

It is alarming that increasing numbers of civilians continue to suffer in armed conflicts around the globe. Egypt stresses the importance of the contribution of peacekeeping missions to the protection of civilians in armed conflict. We support providing such missions with the necessary mandates, personnel and equipment to enable them to become an effective mechanism for early warning when violations occur. We stress the importance that United Nations peacekeeping missions uphold the principles of respect for the sovereignty and cultural specificities of host countries.

We reaffirm the importance of compliance with the provisions of international law and international humanitarian law by all parties involved in armed conflicts, regardless of the nature of such parties. All parties must comply with the principles of distinction and proportionality in armed conflicts. All parties must refrain from targeting medical facilities and grant access to humanitarian assistance. Rapid and effective accountability for any violations against civilians in armed conflict must be ensured. Impunity escalates violations just as much as it increases bitterness and hostility between the parties to a conflict.

Egypt regrets that today's important debate has been undermined by three delegations that addressed issues that do not fall within the legal scope of the protection of civilians in armed conflict, let alone the mandate of the Council. We reject the reference to the recent events in Egypt in today's debate. The recent events in Egypt do not constitute an armed conflict. The addressing of Egyptian affairs in today's debate by those delegations demonstrates either a lack of legal knowledge or the pursuit of narrow political objectives. We remind those delegations of the following.

First, within the meaning of common article 3 to the Geneva Conventions, a non-international armed conflict is a situation in which one or more non-governmental armed groups are involved. In order to distinguish an armed conflict from less serious forms of violence, such as internal disturbances and tensions, riots or acts of banditry, the situation must reach a certain threshold of confrontation. Non-governmental groups involved in the conflict must be considered as parties to the conflict, meaning that they possess organized armed forces under a clear military command structure and have the capacity to sustain military operations. The recent events in Egypt do not meet any of those qualifications.

Secondly, the situation in Egypt does not threaten international peace and security. It is an internal matter that will be resolved only through an Egyptian-led political process that includes all Egyptian political factions that reject violence and extremism. As the Secretary-General said in his press conference a few hour ago, it is an Egyptian problem, and the Egyptian people have the right and the responsibility to resolve it by themselves for their better future.

The President (*spoke in Spanish*): I now give the floor to the representative of the Sudan.

Mr. Hassan (Sudan) (*spoke in Arabic*): At the outset, I should like to thank you, Madam President, for having organized during your presidency of the Council this debate on an issue of great importance to all of us, that is, the protection of civilians in armed conflict. I should also like to thank you for the concept note (S/2013/447) you have circulated to inform our debate.

More than 13 years have passed since the Secretary-General submitted his first report (S/1999/957) on the protection of civilians in armed conflict to the Security Council, which adopted resolution 1265 (1999).

Our debate today coincides with the observance of World Humanitarian Day and the tenth anniversary of the bombing of the United Nations headquarters in Iraq. This compels us to turn to the topic of those who have fallen while working for a noble international cause.

We urge the Council to continue regular deliberations on this issue in order to seek an objective and broad approach to find a way to protect civilians, first and foremost to address the root causes of conflict, as well as to provide regular political support. That is the best way to protect civilians.

There is no doubt that many civilians fall victim to armed conflict in many regions. In that regard, we must point out a fact that must be taken into account, namely, that it is rebel movements that are provoking the greatest number of victims among civilians, including women and children, so as to turn people against the Government and cause the international community to intervene in conflict zones. The best example of that is what is being done by the armed rebel groups in Darfur in order to undermine the peace process, the Doha Document for Peace and other process aimed at peace and stability in the region.

In that connection, I would like to thank Ms. Valerie Amos, Under-Secretary-General for Humanitarian Affairs, who this morning noted in her speech that it was the armed groups in Darfur that had prevented humanitarian access to more than 90,000 in the area under their control.

The alliance among revolutionaries attacks villages in Southern and Northern Kordofan states, which are heavily populated. They are also attacking the offices and headquarters of the Office for the Coordination of Humanitarian Affairs, UNICEF, the World Health Organization and other international organizations, as well as, recently, the United Nations Interim Security Force for Abyei. That is a flagrant example of targeting civilians.

The Security Council must play its part in combating the so-called Sudan Revolutionary Front, which includes the Sudan People's Liberation Movement-North and the other movements in Darfur that reject peace. Moreover, we expect that the talks with South Sudan will set the foundation for strong relations based on good-neighbourliness and non-interference in domestic affairs. We also hope that they will lead to the implementation of the agreements that have been reached and the normalization of relations between our two States, to the benefit of the interests of our two brotherly peoples.

Today's debate also touches on the responsibility to protect, a noble principle to which we all aspire. Nevertheless, it is worrying that some are attempting to use that principle for political ends — for instance, marketing the responsibility to protect. We would like here to recall that the responsibility to protect, as reflected in the 2005 Summit Outcome, continues to be a concept subject to differing interpretations among Member States. Defining it should not to the detriment of the legitimacy and sovereignty of States, including their full and direct responsibility for protecting their citizens.

Moreover, we should recall that civilians' right to protection during armed conflict is part of a comprehensive and independent matrix of rights and obligations, as the Summit Outcome also underscored, beginning with achieving development, combating poverty, preventing conflicts and resolving differences.

The President (*spoke in Spanish*): I now give the floor to the representative of Georgia.

Mr. Imnadze (Georgia): Let me start by mentioning that Georgia fully associates itself with the statement by the observer the European Union. Allow me to add some comments in my national capacity.

First of all, I, too, would like to join in expressing sympathy to the families of the victims and to remember those who fell to the terrorist attack against United Nations headquarters in Baghdad on this sad anniversary day: Mr. Sergio Vieira de Mello, Ms. Nadia Younes, Mr. Jean-Sélim Kanaan and others.

Let me express my gratitude for this timely opportunity to address the issue of the protection of civilians in armed conflict and, more important, to

consider ways to increase the effectiveness of the United Nations community in that regard.

Today, unfortunately, the urgent nature of this issue is underscored by the ongoing tragic developments in the Middle East and other places of the world. While reflecting on the importance of our endeavours, we have to confess that millions of people worldwide suffer from armed conflict and its consequences, are deprived of their fundamental rights and freedoms, separated from their families and expelled from their places of permanent residence. In that context, the role of the international community is crucial in undertaking immediate and concrete actions to protect lives of civilians and ensure their basic rights.

The problem of the protection of civilians in armed conflict and from its consequences is especially painful for my country, as five years after the Russia-Georgia war it continues to suffer from the effects of the armed conflict imprinted on lives of hundreds of thousands of Georgian citizens. In spite of numerous international calls, emanating, inter alia, from the relevant Security Council and General Assembly resolutions on the subject of internally displaced persons (IDPs) and refugees, and notwithstanding the serious concerns raised by the relevant United Nations agencies, hundreds of thousands of IDPs and refugees continue to be deprived of their internationally recognized right to return to their homes in a voluntary, safe and dignified manner.

In spite of the comprehensive efforts of the Government of Georgia to alleviate the burden of the displaced, the failure of a relevant actor to recognize their inalienable right to return prevents any sustainable solution. Furthermore, that creates an obstacle to the implementation of international humanitarian law, human rights law and refugee law, not only in Georgia, but worldwide.

The continuous endeavours of the Geneva international discussion co-chairs, among them the representative of the Secretary-General, Ambassador Antti Turunen, and other United Nations actors who aimed to remedy the humanitarian challenges, have been repeatedly undermined. Those endeavours, which the Government of Georgia highly values, still require continuous political support and practical assistance from the United Nations community.

Five years after the war, unfortunately, the unresolved conflict continues to exacerbate the already fragile humanitarian situation, and it affects the everyday lives of the local population. The Government of Georgia is extremely concerned about the humanitarian and human rights consequences of the installation of barbed-wire fences and embankments in the Tskhinvali and Abkhazia regions, a process that has been intensified since January. As a result, local residents were compelled to leave their permanent places of residence, thereby creating a new wave of internally displaced persons and refugees.

People residing within the Tskhinvali and Abkhazia regions of Georgia and in the adjacent areas are deprived of their fundamental rights and freedoms, including, but not limited to, the freedom of movement, the right to receive education in their mother tongue, and other civil and economic liberties. Sadly, the drastic regulations imposed for crossing the occupation lines and heavy restrictions on the freedom of movement extend even to the most vulnerable of the population seeking immediate medical assistance.

Another vital matter pertains to the ability of the international community to assess and monitor the human rights situation in the areas where the central Government is denied its sovereign rights and that are under foreign effective control and military presence. After the unilateral blocking of the mandate of the United Nations monitoring mission in Georgia in 2009, the vacuum in terms of international presence has not been overcome. As a result of artificially imposed obstacles, the European Union Monitoring Mission, the only international mission on the territory of Georgia, lacks the ability to thoroughly implement its mandate and monitor the security and human rights situation inside the regions of Georgia.

In those circumstances, to comply with the human rights law, a party exercising effective control has the primary responsibility to provide such protection of human rights, and accountability for violations in the case of their infringement.

The paramount problem — clearly stressed by the European Union — concerns the importance of safe and unimpeded humanitarian access to the conflict-affected population. The Government of Georgia urges the relevant party to grant unimpeded access by humanitarian organizations to the conflict-affected population residing in the Georgian regions under its control. We believe that humanitarian issues should not be used as instruments for political considerations,

but should be implemented purely on the basis of humanitarian needs. The relevant international actors must be allowed to carry out their activities according to their respective mandates. International humanitarian law prescribes the threshold for the minimum level of protection for the civilian population; that needs to be respected by all.

Strengthening our common efforts to protect civilians in armed conflicts is our responsibility, which is fully realized by every member of the United Nations family. We need to take concrete and tangible steps to alleviate the consequences of armed hostilities on civilians and to safeguard their rights and freedoms.

I would like to once again subscribe to the European Union statement and to call on all the relevant actors in ongoing armed conflicts and hostilities to ensure rapid, safe and unimpeded humanitarian access to affected populations. For its part, Georgia stands ready to contribute to concerted international efforts and ensure more effective protection of civilian populations during armed conflicts and in the post-conflict phase, while also siding with the global effort towards peace and security.

The President (*spoke in Spanish*): The representative of Israel has asked for the floor to make a further statement. I now give him the floor.

Mr. Nitzan (Israel): Based on the remarks made earlier today, it would seem that the High Commissioner for Human Rights has a mistaken understanding of the situation in Israel. Her criticism ignored simple facts on the ground.

Only yesterday, Hamas declared that it would not be a party to operations at the Rafah border, which is a major crossing point for people and goods to travel between Egypt and Gaza. In contrast, Kerem Shalom, the Israeli crossing into Gaza, has remained open and is handling increased quantities of goods, including humanitarian assistance.

To be clear, there is no humanitarian crisis in the Gaza Strip and no shortage of basic goods.

While I have the floor, I would also like to take this opportunity to respond to comments made by certain delegations that are attempting to trample on the democratic process in the United Nations in the same way that they trample upon the freedoms of their own peoples.

In particular, it comes as quite a surprise that the Syrian representative has the nerve to lecture us on protecting civilians. Having killed more than 100,000 of their own people, with the assistance of Iran and Hizbullah, it would seem that the Syrians and the Iranians are intent on being known not only for creating a humanitarian crisis but also for filling these halls with lies and misinformation.

The President (*spoke in Spanish*): The representative of the Syrian Arab Republic has asked for the floor to make a further statement. I now give him the floor.

Mr. Falouh (Syrian Arab Republic) (*spoke in Arabic*): I apologize for taking the floor once again. I simply wanted to respond to what the representative of the Israeli occupation said.

In fact, the instability and the emergence of wars in the Middle East region is a direct consequence of the aggressive policy of Israel. Everyone knows that Israeli aggression has been documented by numerous international organizations. Israel has a long tally of massacres and acts of aggression. That has lasted for more than 60 years throughout the Arab territories. Israel's State terrorism has resulted in horrific massacres in Palestine, the Syrian Golan Heights and Lebanon.

The representative of the occupation pretends to have pity for the Syrian situation. However, he overlooks the fact that the Syrian Golan is still occupied by Israel and that its inhabitants are subject to assassinations.

Israel would not be able to continue in this international organization without the protection of those who sponsor it.

The President (*spoke in Spanish*): There are no more names inscribed on the list of speakers. The Security Council has thus concluded its consideration of the item on its agenda.

The meeting rose at 6.15 p.m.